

UNITED NATIONS ORGANIZATION MISSION IN THE
DEMOCRATIC REPUBLIC OF CONGO:
A CASE FOR PEACEKEEPING REFORM

BRIEFING AND HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS
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UNITED NATIONS ORGANIZATION MISSION IN THE DEMOCRATIC REPUBLIC OF CONGO: A CASE FOR PEACEKEEPING REFORM

TUESDAY, MARCH 1, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 1:10 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith, (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. Ladies and gentlemen, I am pleased to welcome you to the first meeting of the Subcommittee on Africa, Global Human Rights and International Operations in the 109th Congress. This new Subcommittee brings together three previously separate jurisdictions—Africa, the promotion of human rights around the world and the authorization and oversight of United States funding of the State Department and other international organizations—into one super subcommittee. We have before us a powerful tool to promote basic human rights, defend depressed people and ensure that America's foreign aid programs truly help to create jobs for the poor, promote better health for those suffering from diseases like AIDS, malaria, TB and malnutrition and secure protections for women and children at risk for abuse or exploitation. I am also very pleased that my good friend and colleague from New Jersey, Representative Don Payne, is serving as Ranking Member and in previous years, we have worked very closely together on a myriad of human rights issues in Africa, in Northern Ireland and elsewhere around the world. It is a real privilege to have him as my partner and friend in working on behalf of oppressed people around the world.

Today we are meeting to examine credible evidence of gross sexual misconduct and exploitation of refugees and vulnerable people by U.N. peacekeepers and civilian personnel assigned to U.N. peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the U.N.'s own internal investigations have uncovered over 150 allegations against mission personnel. These allegations typically involve peacekeeper sexual conduct with Congolese women and girls, usually in exchange for food or small sums of money. According to the U.N., these contacts occurred with sickening frequency and many involve girls under the age of 18, with some as young as 11 to 14 years of age. Even more troubling are

allegations of rape, forced prostitution and demands of sex for jobs by U.N. civilian personnel. However, to date there has not been one successful prosecution of U.N. civilian or military personnel, either in the Congo or elsewhere.

Some in our audience might be thinking that apart from the more serious allegations of rape and other sexual abuse, prostitution is the world's oldest profession and that it is unrealistic to ask soldiers, away from their families, to abstain from sex. This attitude of boys will be boys is indeed common, but must be absolutely repudiated. In fact, the U.N. reported that it encountered significant and widespread resistance to its investigation and that numerous U.N. personnel were unwilling to identify perpetrators.

The reality, however, is that this state of affairs is not just a private matter involving only personal choices of the peacekeepers. Hundreds of vulnerable women and children are being revictimized, the reputation of the U.N. is being badly damaged and lack of internal discipline is compromising security and effectiveness of the peacekeeping operations. From any perspective, this situation is deplorable.

Let me expand on a few of these points. First, the United Nations forces conducting operations under U.N. command and control are tasked with upholding international humanitarian law and have a particular duty to protect women and children from sexual assault or exploitation. Peacekeepers have a responsibility to protect the most vulnerable members of Congolese society. When the peacekeepers become the exploiters, something is dreadfully wrong.

Second, the civilian population is especially vulnerable. There are frequent outbursts of armed violence in the eastern half of the Congo, especially in the provinces of North Kivu, South Kivu and Ituri, as the country emerges from its second war in the last 10 years. The civilian population in these areas have experienced systematic acts of rape, torture, murder and other abuse. Many of the Congolese women and girls in the camps, which the peacekeepers are protecting, have been orphaned and/or are victims of rape, which occurred during the conflicts. Investigators found that they have experienced significant trauma, which continues to affect them today.

Poverty and hunger are also significant factors contributing to the abuse. Children, driven by hunger, approach the peacekeepers seeking food or the smallest sums of money. Many families are cut off from their farmlands because of the fear of attacks from the militia and few alternate employment options exist. According to the U.N.'s own investigation, food supplies in some camps are reportedly inadequate.

Third, the continued toleration of sexual exploitation and abuse by U.N. leaders is severely damaging the reputation and effectiveness of the organization.

All troop-contributing nations recognize the Code of Personal Conduct for Blue Helmets as binding. This code explicitly bans any exchange of money, employment, goods or services for sex and renders the perpetrators liable to disciplinary actions for serious misconduct. In fact, the U.N. has promulgated at least five U.N. codes of conduct prohibiting sexual activity with children in the Congo and yet the practice continues unabated.

This activity is prohibited under rule four of the Code of Conduct for Blue Helmets, the MONUC Code of Conduct, the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse of 2003, section seven of the Secretary-General's bulletin on observance by the U.N. forces of international humanitarian law of 1999 and new non-fraternization regulations promulgated by the U.N. Secretary-General Kofi Annan in a letter to the U.N. Security Council of February 9. That the abuse continues and is characterized by internal U.N. reports as "significant, widespread and ongoing" appears to indicate that there is rather a state of zero compliance with zero tolerance throughout the mission.

In the words of Dr. Sarah Mendelson, the Senior Fellow at the Center for Strategic and International Studies, who testified in a joint issue forum last fall before the House Armed Services and the Helsinki Commission, which I chair, and I quote her:

"Military misconduct is a threat to any mission. When the misconduct involves human rights abuses, it affects the credibility and reputation of peacekeepers and can enrage local populations. When those implicated are also responsible for force protection, they can compromise their main military mission. . . . Those peacekeepers who serve with honor are also being tainted by the minority who purchase sex with the women and girls, by an even smaller minority who actively engage in grave human rights abuses of trafficking."

The U.N. has struggled with similar allegations regarding peacekeeper misconduct and sexual exploitation in the past 10 years in Sierra Leone, Liberia, Guinea and on the European continent in Kosovo and in Bosnia. Some of the underlying issues are complex, such as how to ensure perpetrators are held accountable, when no effective U.N. mechanism exists and member states are unwilling to prosecute? Yet other simple fixes also exist, such as the creation of an offender database, holding commanders accountable for the conduct of their troops and banning nations from peacekeeping nations, which refuse to take disciplinary action. The seeming reluctance of the U.N. to act on some of these seemingly obvious solutions raises questions about the willingness of leadership to undertake reform, which raises questions about the ability of the U.N. to police itself.

Furthermore, the United States Congress has a fiduciary obligation to do so. The United States is the world's largest donor to the peacekeeping mission in the Congo and has contributed three-quarters of a billion dollars since the year 2000. This year alone, the U.S. is expected to spend some \$249 million there. The U.S. also contributes over a quarter of the entire peacekeeping budget of the United Nations annually and that is not counting airlift and other logistical donations that cost U.S. taxpayers not millions, but billions of dollars. The Administration, for example, has asked that Congress provide an additional \$780 million for peacekeeping operations in the supplemental budget request, which is now pending.

The purpose of this hearing is to probe for answers and to find some immediate solutions and also to work on longer term solutions and more durable solutions as well. How can this egregious

practice be stopped and prevented from occurring again? What strategies do the U.S. Government and Congress pursue to ensure accountability, while deterring new abuses?

In this regard, I am happy to say I have introduced legislation, joined by my good friend and colleague to my left, Don Payne, called The Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972, which contains several provisions specifically targeted at preventing trafficking in persons, sexual exploitation and abuse by military personnel and in peacekeeping operations. H.R. 972 would require that the State Department certify to Congress that before it contributes U.S. logistical or personnel to support a peacekeeping mission that the international organization has taken appropriate measures to prevent the organizations' employees, contractors and peacekeeping forces from engaging in trafficking in persons or committing acts of illegal sexual exploitation. The provision builds on two prior laws that I have authored to combat trafficking in persons and reduce sexual exploitation, The Trafficking Victims Protection Act of 2000 and The Trafficking Victims Protection Reauthorization Act of 2003.

Other measures in this bill to combat sexual exploitation include: To amend U.S. uniform code of military justice to prohibit the use of or facilitation of persons trafficked for sex or labor; to establish a director of anti-trafficking policies in the Office of the Secretary of Defense; to report on steps being taken by the U.N., the OSCE, NATO and other international organizations, to eliminate involvement of its personnel in trafficking; requiring certification that safeguards are in place to prevent military and civilian personnel from trafficking or committing acts of sexual exploitation before a U.S. contribution to a peacekeeping mission is made.

We are very pleased this afternoon that United Nations has made available to us Assistant Secretary-General for Peacekeeping Operations, Dr. Jane Holl Lute, to brief us today. We will welcome her clear and unambiguous statement published in the *New York Post* op-ed last week and I quote her: "The United Nations will hold accountable those throughout the chain of command who fail to act decisively in enforcing the 'zero tolerance' standard" and that it is working with the governments of troop-contributing countries to ensure effective follow-up in all disciplinary cases.

We will then move to a hearing, which will include the Honorable Kim Holmes, Assistant Secretary of State for International Organizations and we welcome and thank him for being here.

Our private panel will include the Honorable Princeton Lyman, Ralph Bunche, Senior Fellow in Africa Policy Studies, Council on Foreign Relations, Dr. Nile Gardiner, Fellow in Anglo-American Security Policy at the Heritage Foundation and Anneke Van Woudenberg, Senior Researcher on the Democratic Republic of Congo from Human Rights Watch.

We hope that this proceeding and the hearings that will follow, because this is the first in a series, will serve as a useful tool for all of us to spur needed change and to build on change that is already in progress.

Without further ado, I would like to recognize again my friend and colleague, Don Payne, for any opening comments he might have.

Mr. PAYNE. Thank you very much, Mr. Chairman and let me indicate that it is a pleasure for me to be working with you closely, as we had the opportunity several years ago when we both served on the Committee dealing primarily with human rights and our work together on other interparliamentary organizations. It is a pleasure to see you elevated to the Chairmanship of this new very important Subcommittee on Africa, Global Human Rights and International Operations and your record certainly speaks for itself and I know that there will be a tremendous amount of intensity as we proceed.

Let me thank you for choosing this very important topic, as your first hearing as Chairman of the Subcommittee, with the expanded jurisdiction to include global human rights, a critical important area in international operations, which covers State Department operations and United Nations contributions.

We will certainly have our hands full over the next 2 years. However, I am confident that your dedication to these issues will ensure the success of this Subcommittee and I look forward to working with you to keep Africa on the top of our agenda.

Mr. Chairman, since three of our Democratic colleagues are traveling from the west coast and could not attend this hearing, I ask unanimous consent that their statement be allowed for submission into the record and I ask also unanimous consent that two additional statements be entered into the record, one by Rwandan Ambassador Zac Nsenga and the other by the All Party Parliamentary Group on the Great Lakes and Genocide Prevention, a group in the House of Commons in London, as unanimous consent.

Mr. SMITH. Without objection, it is ordered.

Mr. PAYNE. Thank you. The Democratic Republic of Congo (DRC) is a nation at a critical stage of transition, from its most recent civil crisis of civil war from 1998 to 2002.

The DRC's stability is essential for peace and stability in the Great Lakes region, a region of great importance to Africa's political survival and to United States-Africa relations.

Mr. Chairman, the Great Lakes region has been marred by violence and instability for decades, from the brutal colonial era to the current ethnic strife in the region. As you are well aware, more than one million people were brutally murdered during the Rwanda genocide in 1994, as many people in the world looked on as some of us attempted to get attention, but we were unsuccessful.

The current crisis in the Great Lakes region and especially the DRC is directly linked to the 1994 genocide. It is those who committed these reprehensible crimes who are responsible for the violence in the region.

The ex-FAR and the Interahamwe are still present in the Democratic Republic of Congo, despite several agreements to disarm and demobilize them.

The people of the Democratic Republic of Congo have endured brutal violence and devastating conflict for generations and have faced seemingly insurmountable obstacles to peace since the era of colonial rule, when ethnic tensions were fueled by the Belgians. I know that many of us have read *King Leopold's Ghost* and we know that this was the only colony in Africa that belonged to one single individual, King Leopold of Belgium. Finally, the country

wrestled the leadership from him and made it a domain of the nation, but there was no other colony in the world that was dominated by a single person.

After independence was won in 1960, the people of then Zaire were robbed of the opportunity for democracy, when the first elected prime minister, Patrice Lumumba, was assassinated and the brutal dictator, Mobutu Sese Seko, was propped up.

Mobutu—a strong ally of NATO, the West and the United States—for decades brutally suppressed the aspirations of the Congolese people and ruined the country beyond repair.

Although Africa's so-called world war ended 3 years ago, which involved seven other neighbors, including Rwanda, Burundi, Uganda, Zimbabwe, Namibia and Angola, Africa's giant country continues to suffer from insecurity and ethnic strife.

The transitional Government, headed by President Joseph Kabila, has made great strides toward stability in the Congo and therefore, the region. But serious challenges, as we know, still remain.

We talk about elections being held this year. That is something that I think we need to really take a serious look at. We want democracy to strive, however, you may do more damage by having a premature election than when all of the pieces can be put into place.

The Government of the DRC is involved in tripartite talks with Uganda and Rwanda, with the key outstanding issues being the disarmament, demobilization and repatriation of the former Rwandan army, the ex-FAR, and the Interahamwe.

This process is absolutely critical to peace in the Congo and the region and I hope that the United States continues to remain actively engaged in the tripartite talks and that we support the steps that are being taken by the U.N.

The fact that the central Government does not have much control outside of Kinshasa remains a real concern and is one that causes much of the ongoing instability in the eastern regions of Ituri.

As we know, just last week nine Bangladeshis were killed in an ambush in that region. This instability makes the U.N. presence in the East necessary.

MONUC is the largest U.N. peacekeeping mission in the world today, with an estimated personnel of 14,000. Mr. Chairman, though I am a big supporter of the United Nations and deem peacekeeping missions an essential instrument for world peace, because without them our world would be in much worse shape, the ongoing allegations of gross human rights abuses by U.N. personnel is unconscionable and should not be tolerated. U.N. peacekeepers are usually seen as a positive force and are welcomed by people whom they are supposed to protect. Instead of behaving in the professional manner that is expected of U.N. troops, certain individuals serving in MONUC have cast a terrible, shameful light on this mission by sexually exploiting and abusing women and children, boys and girls.

Investigations by the U.N. Office of Internal Oversight Services (OIOS), conducted between June and September 2004, corroborated 8 of the 72 allegations, the majority of which involves soliciting prostitutes.

A summary of the report of the OIOS, released this past January, mentioned that interviews with women and girls in the Congo provided descriptions of some of the sexually explicit encounters with peacekeepers, which included sex in exchange for food or small amounts of money. This is terrible.

This kind of behavior is deplorable and morally reprehensible for the very people who are supposed to protect civilians—particularly women and children, the most vulnerable among us—to actually abuse their responsibilities and become the actual perpetrators of crimes against humanity itself.

There are women and children and even boys who are now picking up the pieces of their lives, which were torn by rape and abuse. They should not be exploited in their desperation, but protected and preserved from the violence that has rocked their lives for years.

Now the question becomes: What can be done to prevent these abuses from taking place in the first place? The answer is a complex one. The U.N. does not have the authority to discipline peacekeepers, but it can send alleged abusers back to their country of origin and recommend disciplinary actions be taken by that country's authorities.

Secretary-General Kofi Annan has committed himself and the United Nations to finding and implementing measures to combat sexual exploitation in the Democratic Republic of Congo.

Three investigative teams have been sent to the Congo. Measures that have been taken so far include a ban on sex with the local population and a midnight curfew. These certainly will not end the abuses, but are a beginning.

There must be an early warning system to detect when abuses are occurring and to take appropriate actions to stop it. As the Chairman said, these things have been going on for years, but we must find a way to eliminate them.

Above all, the real issue in the crisis is the people whose lives are at stake. Women and girls are coping with the trauma of rape and are left alone to care for the children produced in some of these abusive cases. We must focus on these victims and consider a compensation fund or other compensatory measures to help them build and rebuild their lives. I am disturbed to learn that the leadership has yet to take action to identify victims and assist them. This is the least the U.N. can do for the victims.

Finally, Mr. Chairman, we all hope for a day when peacekeepers are not needed, but in the world we live in, the reality is that they are needed today.

We must help strengthen the United Nations to implement reforms that will make its operations more effective and that will root out abuse. It is the responsibility of all member states to ensure that these abuses do not occur in the future and that we punish the criminals.

As I conclude, I would just like to acknowledge also Ms. Jane Holl Lute, from New Jersey, from Essex County, from my district as a matter of fact, whose esteemed family and my family go back 40 years or more and I am extremely proud of the outstanding job that she has done in the U.S. military, rising to high ranks in our

military and her very important position in the leadership of U.N. peacekeeping. It is very good to see you again, Jane.

Mr. SMITH. Thank you very much, Don.

Mr. Fortenberry?

Just let me just say for the record we are very happy to have Mr. Fortenberry, who chose to be on this Subcommittee because of his concern about human rights. He takes over where Doug Bereuter used to be and is a rising star in this Congress and I am so glad he is here. Thank you.

I would like to introduce our very distinguished panelist leader from the United Nations and just say to my friend and colleague that my family goes back even further in terms of my friendship with Jane. We are related. We are cousins.

That being said, let me just note how pleased we are to welcome Jane Holl Lute, the Assistant Secretary-General of the United Nations for Mission Support in the Department of Peacekeeping Operations, and has been in that capacity since 2003.

After a distinguished first career in the United States Army, Ms. Lute served in several senior posts in major foundations engaged in international affairs, as well as on the staff of the United States National Security Council.

Immediately prior to her appointment with the United Nations, Ms. Lute was Executive Vice President and Chief Operating Officer of the United Nations Foundation and the Better World Fund.

In 2000, she served as the Executive Director of the Association of the United States Army Project on the Role of American Military Power.

From 1994 to 1999, Ms. Lute headed up the Carnegie Commission on Preventing Deadly Conflict and was a Senior Public Policy Fellow at the Woodrow Wilson Center for International Scholars.

From 1991 to 1994, she was the Director of the European Affairs in the National Security Council staff at the White House. As a matter of fact, that is where I first had some contact with her as Chairman of the Helsinki Commission, working with her on Bosnia, the Balkans in general, and the invasion by Serbia into those countries.

Ms. Lute has a Ph.D. in Political Science from Stanford University and her J.D. from Georgetown University. Thank you for being here.

For the record, this first part of this proceeding, for protocol reasons, is a briefing and then we will matriculate and become an actual hearing of the Subcommittee when we get to Assistant Secretary Holmes.

Ms. Lute.

STATEMENT OF THE HONORABLE JANE HOLL LUTE, UNITED NATIONS ASSISTANT SECRETARY-GENERAL FOR MISSION SUPPORT IN THE DEPARTMENT OF PEACEKEEPING OPERATIONS

Ms. LUTE. Mr. Chairman, thank you very much. Congressman Payne, Members of the Committee, it is my privilege to be here with you today. You have evoked, in your remarks, my family. I am called instantly to mind of my mother and my father, who are now

deceased. I hope I honor them today. Thank you very much for remembering them.

It is my privilege to be with you today and on behalf of the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guehenno, the leadership of the Department of Peacekeeping Operations and myself personally, I welcome this opportunity to meet with you and to discuss the United Nations' peacekeeping mission in the Congo and what we are doing to address the allegations of sexual exploitation and abuse.

Mr. Chairman, in your opening remarks, you mentioned a phrase that has been used by some that the behavior is somehow excused because boys will be boys.

Boys don't rape 13-year-olds, Mr. Chairman. Boys don't systematically exploit young girls for sexual favor and their own personal gain. Boys do not engage in the kind of intimidation and practice that results in young people being scarred for their lives.

There is a word that describes these people, Mr. Chairman, but boys is not it and we share your outrage. I share your outrage personally, as a professional soldier, as a professional peacekeeper, and as a leader in the Department determined to eradicate this behavior once and for all.

The Blue Helmet has become black and blue through self-inflicted wounds of some of our number and we will not sit still until the luster of that Blue Helmet is restored.

I want to thank you, Mr. Chairman, for this opportunity. I want to thank you for the cooperation of your staff in preparing for this briefing this afternoon and I also want to thank the United States Government for its investment in this issue, its commitment to this issue and its investment in the trafficking issue in particular that the United Nations has benefitted from so substantially.

I want to talk today about MONUC, Mr. Chairman. It is our largest peacekeeping mission, \$1 billion and 18,000 personnel on the ground now with its most recent mandate. Thousands of personnel operating in a country that is the size of western Europe, without the roads. It is an extraordinary mission in an extraordinary place.

You rightfully ask whether or not your investment is worth it, whether or not the allegations of sexual exploitation and abuse have meant that the U.N. has done more harm than good and what are we doing to fix things?

Let me address these issues. What are we doing to deal with the allegations of sexual exploitation and abuse? Again, as you point out, they are not unique to the Congo. They are not unique to this time. They have plagued peacekeeping missions in the past. Indeed, we understand from dialogue with member states that they plague deployments abroad for all of us.

It is unacceptable. It is simply unacceptable. The United Nations peacekeepers owe a duty of care to the people we serve. We owe this duty of care to the member states who place their trust in us when they send us to a mission. We owe this duty of care to the aspirations and hopes for the future that everyone has when they invest a peacekeeping mission in places like the Congo. It will be stamped out. The senior leadership of the United Nations, the sen-

ior leadership of the Department and the senior leadership of the mission is determined and engaged.

You are always at risk, Mr. Chairman, when you deploy money and power into a broken society and in Congo, this circumstance is compounded by the depth of the crisis, the size of the area that the mission is designed to serve and the very size of the mission itself.

Where are we now? As you rightly point out, Mr. Chairman, we have experienced this in the past and we have observed that every time the United Nations peacekeeping operations get very large very fast, incidents of this nature arise with some visibility.

Through the 1990s, we have learned some lessons: Imposing, as you have said, codes of conduct; establishing the Secretary-General's bulletin on this question in 2003, which is quite explicit in the elements of the Code of Conduct expected of U.N. staff members serving in peacekeeping missions; with robust training plans that have been devised with the member states, promulgated to the member states and conducted with the member states, both before and during peacekeeping mission deployments.

We have established personal conduct units in our largest missions and are moving in this direction for all of our missions. We have established gender advisors. But Mr. Chairman, these measures are not enough.

Yes. It is true that incidents of sexual exploitation and abuse continue. We need stronger preventive programs and a stronger enforcement program.

The Congo illustrates how things tragically can go wrong and we have actions underway to make Congo at the forefront of establishing, not only the model and eradicating sexual exploitation and abuse, but a more professional approach to peacekeeping across the board.

The robust, mobile, aggressive military strategy that is embodied in the most recent resolution outlined in the mandate of the Congo illustrates how Congo is at the forefront of U.N. peacekeeping.

I would like to take a few minutes and describe, Mr. Chairman, the actions that we are taking in the mission, the actions we are taking at headquarters, and the actions that we are taking with member states. Individually, Mr. Chairman, these actions may seem unsatisfying, but when you combine them together, they represent a comprehensive program and mark our determination.

We are not unwilling to deal with these instances. We are determined to deal with them. We are not unwilling to deal with the commanders in whose units order and discipline has broken down. We are determined to deal with them. And we are not unwilling to address the reputational effects of sexual exploitation and abuse, but determined to restore U.N. peacekeeping to its rightful place among the world's most noble professions. We are determined, Mr. Chairman.

In the mission, since November of last year, eight civilian cases have been referred to headquarters for further disciplinary action. These, as you have suggested, emerge out of a number of allegations, ranging into the hundreds. Allegations which cannot always be substantiated. Allegations which in some cases are duplicative. And allegations which in some cases are baseless.

But since November, eight civilians have been referred to headquarters for disciplinary action, three civilian police cases are going, Mr. Chairman, and 34 cases involving 65 military personnel have resulted in the expulsion of 63 of those personnel. So action is being taken.

Commanders have been put on notice to show cause, because we recognize that sexual exploitation and abuse does not occur in a vacuum. It occurs in units where good order and discipline has broken down and commanders recognize their responsibilities in this regard and we have made it very clear that we will hold them to account for the command climate that exists in their units.

The mission has issued stronger directives. It has reinforced training, both in messaging to the member states who are sending troops to the mission area about conducting this training in the predeployment phase and in reinforcing this training while they are in the mission area.

A curfew has been installed, as you have mentioned. Off limits areas have been prescribed. A nonfraternization policy has been put into effect.

A no passenger in U.N. vehicles without certification policy has been recently reinforced. It has been a longstanding policy. It has been reemphasized.

A Web site has been established, which is comprehensive within the mission to deal not only with promulgating these policies, providing information, but facilitating a complaints mechanism so that victims can come forward.

Finally, Mr. Chairman, we have instituted a victims' assistance policy. We have asked UNICEF, together with its implementing partners, to make available services to victims of sexual exploitation and abuse.

That is not to say that these services are widespread. That is not to say that these services are specifically targeted to victims of U.N. exploitation, but these services are being made available and I will talk a little bit more about how we intend to expand those services.

What are we doing at headquarters? I chair, as you know, Mr. Chairman, the Task Force in the Department of Peacekeeping Operations. It is an interdisciplinary task force on the sexual exploitation and abuse problem.

My task force will hand its work off to a permanent unit being established in the Department to continue policy development and the monitoring of the actions we have underway.

In addition, Mr. Chairman, I Co-Chair a joint task force, together with my colleague from the Office of Humanitarian Assistance, that will look at four aspects of system-wide problems that may create an environment where sexual exploitation and abuse can go on.

We will look at management accountability. We will look at organizational aspects of change. We will look at communications, not only getting the word out, Mr. Chairman, about what the U.N. is doing to combat this problem, but getting the word in, to remind us all why it is we serve, and the duty of care that it is we owe the people we serve.

We will also, Mr. Chairman, in this context look at a broader strategy of victims' assistance, which will involve an examination of legal implications.

Within the Department of Peacekeeping Operations, we have also strengthened our directives and we have begun a policy survey to identify those gaps and loopholes that prevent the expeditious prosecution or disciplinary action of staff members, as might find themselves under charges.

We are trying to streamline processes, together with the other offices in the United Nations that deal with discipline issues.

We are going to track, as I say, Mr. Chairman, with an establishment of a permanent office in the Department, the performance and compliance of missions, not just MONUC, but in all our peacekeeping missions around the world.

The Under-Secretary of Peacekeeping Operations has asked the Office of Internal Oversight Services for a global audit of discipline in peacekeeping missions, Mr. Chairman. We had this conversation last week and asked that they undertake a comprehensive global audit, again because it is our belief that sexual exploitation and abuse does not occur in a vacuum and we want to understand the environments that exist in the mission areas that may again be creating a permissive climate for this kind of behavior to occur.

We have piloted a sexual exploitation and abuse training module. This began last year, almost exactly a year ago, Mr. Chairman, and we have piloted it in a number of missions with member states and we are learning lessons from that pilot.

This training is in addition to the standard training module number one, which constitutes 40 hours of predeployment training, including training on human rights, training on child protection, training on cultural awareness and sexual exploitation and abuse.

We are focusing on prevention as well, Mr. Chairman. The senior leadership is involved and has led directly to the streamlining in establishment of complaint mechanisms so that victims can come forward without fear of retaliation within the missions. This is a serious problem we recognize and one that we are determined to address.

We need better gender balance in our missions, quite frankly, Mr. Chairman, and getting qualified women to lead, particularly at senior levels, remains an area where we have asked member states for help.

We are getting better at tracking offenders. Since last July, for civilian employees in particular, we now have an internal reference check to ensure that persons who have been expelled from missions for this kind of behavior are not rehired in other missions.

We have tracking mechanisms also, Mr. Chairman, in the military division and in the civilian police division as well and we have broadened our dialogue with other regional organizations, such as NATO and the African Union, to explore ways to establish international standards of behavior that all soldiers recognize and all civilians recognize.

With the troop-contributing countries, Mr. Chairman, as you know, Prince Zeid Ra'ad Zeid Al-Hussein, the Permanent Representative of Jordan, serves as the Secretary-General's advisor on these questions and recently visited MONUC.

We are working very closely with the member states to strengthen the guidelines for troop-contributing countries, which are now appended to the memorandums of understanding that accompany every troop-contributing country who undertakes to engage in a peacekeeping mission.

We have encouraged member states to go public with the actions they have taken to follow-up on cases that we have brought to their attention and we are pleased in this regard to note the decisive action of Morocco in identifying and going public with the actions it is taking with some of its former peacekeepers.

We are working with the member states in putting in place mandatory refresher training in mission areas and we are also working, Mr. Chairman, in the very real issue of welfare packages for troops serving in missions far away from their homes.

Again, Mr. Chairman, individually these may be unsatisfying measures, but taken collectively, we think they represent a comprehensive approach to the problem, and combined with our determination to eradicate this kind of behavior, we will restore meaning to the term zero tolerance.

We are not naive, Mr. Chairman. We know things will very likely look worse before they look better. We have encouraged staff to come forward. We have placed personnel conduct units in our missions.

We are creating a climate, both at headquarters and in the field, where people can raise these issues to our attention and we will take action. Some still have not gotten the word. They will get the word decisively and we will use all the measures in our power, which as you rightly point out are limited, particularly when it comes to military contingents. But we are determined to do what we can to eradicate this problem and I am pleased to report that we have a very good dialogue with the member states on this issue as well.

Is the investment worth it? Congo is the second largest country in Africa. What happens there affects the entire Great Lakes region. Congo is not just a country at war. Nine countries joined in the conflict. It is a dire situation. The situation has a lot to do with international pessimism regarding Africa. Congo must succeed. You can't imagine central Africa succeeding, unless Congo succeeds.

Why the U.N.? The U.N. is an important contributor to the success in the Congo, because the causes of conflict run deep. We bring a legitimacy to the political direction, an impartiality to security operations and a wide range of expertise in disarmament, demobilization, in elections and in other areas, Mr. Chairman, that I know you recognize.

The U.N. has a record of accomplishment in Namibia, Mozambique, Sierra Leone, El Salvador, Cambodia and elsewhere.

We need to bring this record of accomplishment to MONUC. Together, Mr. Chairman, we know that we can help stabilize the transitional Government and create the kinds of conditions on the ground—at this moment as Congo enters this critical electoral phase—that can bring it to a better situation than it certainly was 5 years ago when the mission entered the Congo.

We can't go it alone, Mr. Chairman. We have no illusions that we can. No organization or country can do all that needs doing but

we are determined, together with the support of the United States and the other member states, to do what we can again to restore peacekeeping to its rightful place among the world's most noble professions.

To that, I have committed myself personally and professionally. Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you very much, Ms. Lute, for your very strong and powerful and I think compelling statement. It is reassuring to hear what you are doing.

The concern that I think all of us have is, notwithstanding your will and the will of those around you, does the political will exist at the highest levels to make this happen?

Sometimes the structure frustrates. The fact that the OIOS reports to the General Assembly and not to perhaps the Security Council, the process appears to me to be flawed and you might want to comment on that.

Let me just note at the outset that all of us want peacekeeping to succeed and we all know how dangerous it is. Nine U.N. peacekeepers in Congo lost their lives last week and we send our condolences to their families for paying the ultimate sacrifice.

As you pointed out, as a professional soldier, you bristle at the thought that those small, but nevertheless significant number of people, who have committed these crimes tarnish the reputation of all peacekeepers. It seems to me when we are talking about a group of people whose order of magnitude probably exceeds something like 65,000 people for all U.N. peacekeeping, it is a manageable number of people that can be properly vetted.

My first question really goes to that question of whether or not the countries are properly vetting? It is one thing to train, and I believe that training and inculcating the values that we hold dear that these women, especially women, need to be treated with the utmost respect once you are in-country, but it would seem to me that if you don't do the proper vetting in the beginning, this whole idea of peacekeeping could be seen by some as a kind of sex tourism for soldiers and attracting the worst of the worst who slip in and then exploit once they get into the country.

I am very concerned. The recruitment is something that I am very concerned about. We are going to use this Committee to try to determine whether or not all of the training going on throughout the world—I would note in passing that I think about 750 Sri Lankans were just deployed to Haiti and I have already asked the Sri Lankan Ambassador, and I am awaiting answer back. And I would ask you and others perhaps for the record, what kind of training have they gotten and whether or not they have been properly vetted so that as these rotations occur and the confusion that that necessarily causes, that you constantly have men and women, mostly men, coming in and then going out.

One of the things I noticed in the reports was that rotation very often facilitates the impunity when it comes to trafficking and to exploitation of women, because these individuals know they will soon be on a plane back to their country of origin.

Let me also, if I could, ask about the zero tolerance. What does that really mean? Is there sufficient penalty? It is one thing to have it and I have read the Secretary-General's bulletin, as well as

the Code of Conduct. It is a very good read. It is comprehensive, but what happens penalty-wise? It is all left up to the countries like Morocco and I am glad you noted that. I think it is a half a dozen or so soldiers that are being held to account, but that can be hit and miss, obviously.

Is there any thought perhaps, and I have heard some mention of this, of bringing judges in from the respective countries to hold these individuals to account in the country where the peacekeeping is actually occurring? Obviously witnesses are very hard to procure back in a country, which may be halfway around the world.

If you could also comment on the intimidation of U.N. personnel themselves and of women and young girls who have been raped and exploited.

It seems to me in a country where the peacekeepers know who the girls are, obviously, and I noticed in the report that a number was assigned rather than a name to give some kind of protection, but we know in this country that rape victims are very often loathe to come forward, because of the retaliation, maybe not physical, but mental anguish that will come their way.

In this case, we have 13-, 14-, and 15-year-olds and older who could be physically harmed. At least the perception is there that they could be. What can be done? There is no Witness Protection Act, as far as I know, for these individuals to help them as well.

I have several other questions, but these could be some openers.

Ms. LUTE. Thank you, Mr. Chairman. As you have noted, and thank you for your expression of condolence, nine peacekeepers were killed. It is a dangerous mission. People are serving honorably. People are giving their lives, making the highest sacrifice. These are the peacekeepers we know and we recognize and we seek to honor through the intensive professionalization of U.N. peacekeeping.

Regarding countries vetting their personnel, we talked about this, Mr. Chairman. We have talked about a number of issues designed to strengthen the cadre of people we have serving in peacekeeping missions, both on the civilian side and on the military side, together with the member states and with the legislative bodies and a number of issues are under consideration now, including through the dialogue that Prince Zeid has been having with member states.

U.N. peacekeeping is not sex tourism for soldiers and I know you don't mean to imply that those two terms are synonymous, but to the extent anyone thinks that, they are misinformed and we are prepared, as a Department, Mr. Chairman, if we find that certain troop-contributing countries refuse to comply with the standards that are derived through our dialogue with the member states, we are prepared, Mr. Chairman, to take the step perhaps that they no longer contribute to peacekeeping missions.

We believe, however, that the level of dialogue that we have had, the level of responsibility that member states recognize that they have in providing high quality personnel for peacekeeping missions will lead us to a common view of those standards, both in terms of people coming in and serving and consequences when rules are violated.

This, in part, is an aspect of the problem, Mr. Chairman. We have behavior and misconduct ranging from the soliciting of prostitutes to child exploitation and pornography.

According to the U.N. Code of Conduct, prostitution is itself prohibited. Measures that we can take vary, whether or not it is a civilian or a military person.

On the side of military, the strongest measure we can take is to expel the person from the mission, repatriate them, provide the charges, the case as we have it, to the troop-contributing country and follow-up with them.

We used to follow-up, beginning at 90 days from repatriation. We have changed that. We begin following up at 30 days and the member states recognize that this is a tangible symbol of our determination to know what happens to peacekeepers who violate the rules and who stain the name of peacekeeping.

On the civilian side, again we have a range of measures, Mr. Chairman. We can issue written warnings. We can suspend persons. We can expel them and dismiss them as well and we are under an obligation to render judicial assistance when national authorities choose to prosecute their personnel for crimes that are committed.

As you know, Mr. Chairman, one former U.N. staff member is in custody in his home country facing criminal charges for child pornography and child exploitation.

What does zero tolerance mean? We all know that it doesn't mean zero episodes. Just as a very robust law and order environment does not mean zero crime, but it means a decisive engagement so that these behaviors, when detected, do not go unpunished.

It also requires that we detect these behaviors. It also requires that we have a much more robust early warning system and create a culture of professionalism so that everyone recognizes that this behavior is out of bounds and people join together in identifying the misbehavior when it occurs and cooperate to the fullest extent possible.

The intimidation of U.N. personnel and witnesses is a problem that we recognize occurs. The people who engage in this behavior, it is not surprising to us that they also engage in efforts to hide it, conceal it and intimidate those who threaten to bring it forward.

We are determined to create a climate in our missions—MONUC is exemplary here in the measures that it has put in place—to encourage victims to come forward, to encourage others who know about this behavior to come forward in a network of solidarity so that people are not intimidated or further victimized in the reporting of these serious crimes.

We are working together with the member states and taking initiatives where we can, Mr. Chairman, within the Department and frankly working and becoming a bit of an agitator with our fellow Departments in the secretariat to streamline processes: Identify gaps and fill them so that we can take decisive action when a problem arises.

Mr. SMITH. Let me ask you, Ms. Lute, on the issue of penalties. Has there ever been an assessment as to whether or not the countries' penalties for this kind of gross misdeeds is commensurate for

the crime? For example, in Morocco, if these individuals do indeed get jail time, what is it likely to look like?

When we were doing the Trafficking Victims' Protection Act, we wrote language in there for minimum standards to judge whether or not countries are failing or living up to those standards. We put in a provision dealing with prosecutions and arrests. We soon found thereafter that countries were gaming the system. There were arrests and prosecutions, but little or no convictions and no jail time. So we rewrote the 2003 act to include convictions and to put a heavy emphasis on what kind of penalty was imposed.

I am wondering if that is something that your office is looking at to ensure that there is at least some severity to the penalty for these heinous crimes.

On the issue of tracking and rehiring, is that already up and running? Have there been instances where peacekeepers who misbehaved in the past have been weeded out because of that? If you could comment on that, if you would.

Finally, the idea of naming and shaming countries, I saw that in the U.N. report, how important it is to name and shame and I am wondering if that is something that could also be a useful tool.

I remember when we held a hearing in this room on UNMIK and the fact that some of the people—both in Kosovo and Bosnia—who were in the police as well as peacekeeping, had been complicit in trafficking.

The penalty phase was repatriation, which was a slap on the wrist if ever there was one, and then nothing happened once they were repatriated and we now have updated our laws to ensure that prosecution will follow. We added another measure as well, and that is that companies that hire these people, the contractors, can have their contract lifted, taken away, whether it be DoD, the State Department or any other contractor.

I wonder if the U.N. might be looking at that as an additional penalty, particularly on the contract side, to say your people do business in this nefarious way and you don't police your own folks, we will take away your contracts and put you on a black list so that you are blackballed from receiving contracts in the future.

It seems to me, that might sharpen the minds of the CFO's and the CEO's at those companies.

Ms. LUTE. Mr. Chairman, we have not conducted a comprehensive survey of the penalties in the member states for the kinds of violations that we have seen occur.

As you know, Mr. Chairman, it is not illegal in many member states. Prostitution is itself not illegal. It is, however, against the rules of the United Nations, for reasons that range from security in the mission to the common standards of decency and human dignity that we like to preserve in the United Nations.

We know that some of the penalties are not as aggressive as we would like and we are in dialogue with the member states about them.

We have communicated to member states comprehensively about this problem. I can report to you that for some of our troop-contributing countries this issue has reached the highest levels of government and we have personal assurances that heads of state in government are personally engaged in the tracking of this issue.

They understand, Mr. Chairman, that the misbehavior or the criminal behavior of one of their number does not reflect a stain on their national honor, but the inability to deal with it or the unwillingness to deal with it does get closer to the question of national honor, something that they hold very dear and they guard jealously.

So we are on the same sheet of music with the member states, in terms of taking this seriously and following through on actions when credible allegations have been raised, persons have been expelled from missions and further action rests, quite frankly, in the hands of the member states to follow-up.

In the tracking and rehiring, this has gone on for awhile. In the case of civilians, this has gone on at the U.N. since July of last year. I can report to you of a case last week where an individual was about to be rehired by a new mission and that rehiring was halted, because of background of this kind.

Naming and shaming countries. Mr. Chairman, it is not the policy of the Department to name these countries. Morocco self-identified of the actions it was taking. We could score a quick public relations success by naming countries, but we would sacrifice the long-term engagement with the member states to secure their cooperation and commitment for the kind of comprehensive, long-term, far-reaching agenda that we seek and we have been encouraging them to go public with this information.

I tell you, Mr. Chairman, we are determined. If we have persistent violators in an obvious environment of breakdown in command and control, in an obvious case of national unwillingness to deal decisively with these problems, we are prepared as a Department to recommend stronger action to the Secretary-General.

I note your observation about contractors, Mr. Chairman and the context that it has both in the U.S. legislation that you have sponsored and its potential application for us.

Mr. SMITH. Before I yield to my good friend, I have one additional question. Just to gently disagree with you on the naming of countries and perhaps the U.N., because of its culture is less able to do so even at the U.N. Commission on Human Rights, the move to try to make it thematic rather than country specific is a very disturbing trend, because everybody will be against trafficking, everybody will be against religious persecution and every other abuse that occurs, but it is when you name names, I would respectfully submit and do so with credible evidence, is when you get a reaction positive and hopefully corrective.

One of the biggest issues we faced when we wrote the Trafficking Victims' Protection Act was the naming of countries. There were people who were very strongly against it in the previous Administration, especially when we had a penalty phase attached to it.

I think the proof is that now that we have the tiers—tier one, tier two, tier three and the watch list, tier three being egregious violators—and we have seen upwards of 36 countries rewrite their laws and they include good friends like Russia and they are a friend, hopefully.

Israel, certainly, is a close friend, Turkey, Greece, all on tier three. South Korea got off when they passed very substantive

changes in their criminal code and their protection statutes for the women.

Nobody likes to name names, but I do think there comes a time when just speaking truth to power is the more advisable way. Of course, if it could be done in a more diplomatic way and get the same results, that is always preferable, but I just would submit that it is something for consideration.

Mr. Payne?

Mr. PAYNE. Thank you very much.

The scope of the U.N. operations is so great. I just wonder if you could give me some basic information about how many U.N. peacekeepers are in operation now and in how many countries?

Ms. LUTE. We are approaching 80,000 peacekeepers, Mr. Chairman, in 17 operations around the world. My office also supports an additional 14 special political missions, totaling 31 operations around the world.

Mr. PAYNE. There is really quite an enormous task, as it relates to this new issue right here in DRC, but just in general, to attempt to put in some stronger protocols with so many operations is certainly an enormous task.

Let me ask you this: What relationship does the U.N. have with other regional bodies, the AU, ECOWAS, SADC? Is their peacekeeping of course under these regional organizations? How is the interaction between your operation and theirs?

Ms. LUTE. We have, actually, cooperation and a very high level of dialogue across a range of issues with regional organizations, including NATO, the EU and the AU. Indeed, Chairman Konare is in New York this week for discussions about AU/U.N. cooperation.

We also have a very good dialogue, Congressman Payne, with a number of member states who want to know how regional peacekeeping can be strengthened and particularly how African peacekeeping can be strengthened. This is a priority of the United States' Administration, one that we welcome and we have had dialogue with the Administration about that as well.

So from a bilateral perspective and a multilateral perspective, we are thoroughly engaged with our partners.

Mr. PAYNE. Thank you. The mandate in the Congo, has it reached chapter seven level yet? I understand that the AU has made some suggestions about wanting to become more engaged in MONUC. Could you kind of clarify that for me?

Ms. LUTE. Yes. MONUC is now a chapter seven operation. It began, as you rightly point out, as a chapter six special political mission. That changed. It is now chapter seven and we are in dialogue with the African Union about future developments there.

Mr. PAYNE. I think that really one of the principle parts of a peacekeeping mission is actually its leadership. I recall in ECOWAS, when Nigeria went into Liberia initially and did a very substantial job. However, leadership in Liberia and Nigeria was changing and then there was a period of several weeks where the Nigerian troops just became anarchist almost. They just misbehaved tremendously: Robbed people, took personal properties.

However, the leadership of Nigeria sent in a new general, who was a very serious person and it all ended, which leads me to: How important or how can we have somehow strengthened the leader-

ship? Because that was certainly an example of where actually an individual, an officer who took pride in the military and what military people are supposed to do, was able to totally change that operation around.

Ms. LUTE. I would respond in two ways. Certainly in the past 15 years it has been my observation that the world now sees an international military community that is every bit as robust as the international scientific community.

Soldiers talk to soldiers about all kinds of issues and establish for themselves a standard of professionalism and an expectation of professionalism that is very meaningful in those dialogues. So soldiers are talking to soldiers about their responsibilities in this regard.

In addition, we place an enormous burden on the Special Representatives of the Secretary-General, our SRSGs. They need specific knowledge of regions in question. They need generic knowledge of political facilitation, negotiation, working through problematic areas and political, economic, social and security aspects of a mission mandate.

They need language facility in many cases and they need the ability to manage large complex organizations. They also need, in the ideal case, to be familiar with the U.N. system of operations.

All of these qualities in one individual may be too much to ask and we have begun to think in terms of the power of teams, the leadership of a mission, the force commander, the chief civilian police commander, the SRSG, his deputies or her deputies and the other leadership of the mission as an ensemble of capacity to lead a mission in these complex integrated challenges that they face with their mandates.

Mr. PAYNE. Do you think that if the U.N. had a system that also had a judicial component that abuses could be dealt with internally, on the ground, in that place, with a court that would be run by the U.N., rather than I guess people are sent back to their individual countries?

As Chairman Smith said, it is unclear what happens or whether the penalty is just a slap on the hand.

Do you think it would be too complex to have or would there be opposition from individual countries, military units, to have an adjutant general, someone that would have legal authority as a judge and a prosecutor in these countries?

Ms. LUTE. I think, Mr. Chairman, the member states recognize their individual responsibilities, when it comes to the behavior of their nationals in a mission area.

We need to strengthen their hand. Some of the ideas that have been discussed including court marshalls in the mission area, not as a U.N. body, but as a national body, composed of the military representatives of the contingent itself to come into the mission area to spare victims, which may be unrealistic in any case, long trips to various places to provide testimony for their stories and in the process, many people believe become revictimized again.

But to hold court marshalls in the mission area, we are certainly in a position to facilitate that kind of step, if the member states choose to take it.

The resourcing of accountability is something that we are very actively looking at, with the member states. We think now there is a willingness on their part to resource both an improved vetting system in certain cases, better training in a predeployment phase, better training in a follow-up and then better consequent management in the mission areas when cases rise to a criminal level.

Mr. PAYNE. In the recruitment for peacekeepers, are you filling your goals or are you having difficulty in getting the number of soldiers that you need and/or is it different in different places in the world?

Ms. LUTE. Mr. Chairman, we have been very fortunate in our dialogue with the top troop-contributing countries. We have been able, by and large, to meet the requirements that we have in the field.

There are important shortcomings, particularly in the area of enabling units, engineering, attack helicopter, medical and others. We sometimes run into difficulties. We also know that everyone is stretched. If we look at all the peacekeeping related activities, U.N. and otherwise, around the world, both resources and assets directly in performing these operations or in support of that, we are approaching probably half a million persons stationed around the world. A large portion of that is Iraq, of course, but a large portion also is U.N. peacekeeping. So everyone is stretched.

We are probably in an environment of international stretch or overstretch in the area of peacekeeping. We have, however, looked with the member states very carefully at sizing our missions appropriately, but again the U.N. peacekeeping missions are not over-engineered when it comes to forces on the ground.

Mr. PAYNE. What about countries that may have the interest in having contributions of troops, however they are unable to? They have to come prepared, I suppose, uniformed with their equipment and so forth.

Have you run into problems where, I think you have a terminology for, that they come—

Ms. LUTE. Sustainability. We actually have been in dialogue with the member states on the whole sustainability question.

That is, member states have troops that they are willing to provide, but they require logistics, communications and other support elements and we are exploring ways to expand our engagement with them and with third party states in putting together the kind of force that is capable on the ground in a peacekeeping mission.

A number of innovations are underway in the Department to look at achieving greater effectiveness for our missions. At a strategic level, we are looking at the whole question of regionalization.

Where we have missions co-located with each other, can we use logistical air or other assets in a more effective and cost efficient way among resources?

We are looking at the integrated mission, as you know, on the ground at an operational level, where we bring together all the agency funds and programs under the leadership of the Special Representative of the Secretary-General, again to achieve the kind of effectiveness that we think can be achieved.

At a tactical level we are looking at a common services agenda, where in the area of facilities, transportation, communications and

security, we can combine resources, because again we believe everyone is stretched.

Mr. PAYNE. Let me certainly thank you very much for your tremendous contribution here. As being the past U.S. Representative to the United Nations from the Congress, I certainly am well aware and have had several very important meetings with you in New York. And I know that the U.N. is in good hands with people like you and that we have got to somehow accentuate the more positive things that are going on.

We certainly have to deal with these horrible things that are going on, but I do feel that we are on the right road with people with your background and integrity and knowledge, and John and Dell would be proud of you today.

Mr. SMITH. Mr. Fortenberry?

Mr. FORTENBERRY. Thank you, Mr. Chairman. Let me just say how much I appreciate your willingness to hold this hearing today.

Your long commitment to encouraging all nations of the world to respect the dignity and honor of all persons to me has been most inspiring and for you to take the time today in the midst of many, many crises throughout the world, particularly in the Middle East that we are significantly embroiled in, to bring attention to this issue, which is certainly oft overlooked, I am very grateful for that and I appreciate your time.

You as well, Ms. Lute. Thank you for your testimony today. Your passion for your work and your special regard for the same ideals that I just mentioned about the Chairman, I appreciate that.

I do have a process question for you that might go to the heart of the matter of trying to find ways to strengthen responses at your disposal to violations of the U.N. Code of Conduct.

In that regard, how much do troop-contributing countries get paid for contributing troops and then what percent actually goes to the salary of that military personnel or that troop versus the national treasury of that host country?

I think you can see where I am going with this, in terms of potential leverage in withholding funds from countries who do not appropriately process or adjudicate violations of the U.N. Code of Conduct.

Ms. LUTE. Thank you. Countries receive \$1,028 per soldier per month from the United Nations. I am not in a position to allocate the distribution of those funds.

Mr. FORTENBERRY. Therein lies a potential issue.

Ms. LUTE. I do understand where you are going, but let me again say that in every dialogue that we have had, every conversation we have had with member states, the troop-contributing countries, it is important to note that the principle financial contributors to U.N. peacekeeping, that list of countries, the top 10 or 15 and the top 10 or 15 of the troop-contributing countries, those two lists don't overlap at all.

A divide has grown in international peacekeeping through the United Nations, between those who pay the bills and those who do the work on the ground.

I am pleased to report that our dialogue with both groups is very good and that the dialogue between these groups is also good and

improving and it is important that it do so, in order for U.N. peace-keeping to succeed.

Mr. FORTENBERRY. Certainly if there is an opportunity to leverage support, assuming countries who send troops do so willingly, that it is an aid not only to their stature internationally, but also economically to their well-being that they would be very interested in assuring that the behavior of their nationals on the ground, in whatever mission it is, is done in a way that is consistent with the U.N. code, particularly if there was the threat of removal of those funds.

Ms. LUTE. It is my personal experience, and the experience of the Department, that these countries have an interest in the good order and discipline of their troops, in the fine performance of their troops in mission areas, for reasons that relate to a sense of professionalism and a sense of national pride, first and foremost.

Mr. FORTENBERRY. Would it be within or should we have a conversation at least about the Security Council discussing withholding funds?

Ms. LUTE. As you know, the General Assembly is the organization in the U.N. that is ultimately responsible for the allocation of resources to U.N. operations.

I think, sir, that what we are seeing is member states, both individually and through all of the bodies that they sit on, be it the Security Council, be it in the General Assembly, be it on the C-34 Committee—which is essentially a friends of peacekeeping committee in the United Nations and the other committees that are established to oversee and monitor our operations—that member states are pursuing a range of options, understanding all the leverages as they exist between them.

Mr. FORTENBERRY. Thank you.

Mr. SMITH. Thank you.

Mr. Delahunt?

Mr. DELAHUNT. Thank you, Mr. Chairman. Let me applaud you for convening this particular hearing.

Ms. Lute, let me just pursue, as a follow-up, some of the questions that have provoked some thoughts in my mind. In terms of compliance and the penalty issue that the Chairman raised, again you indicated that no assessment has been done and I can imagine it would be difficult to do one that would be meaningful, given the particulars of an individual case.

Yet at the same time, there does exist an International Criminal Court, which the United States is not a signatory to, but I dare say some of the crimes that have been committed would qualify under the definition of a crime against humanity.

Has there been discussion, within the U.N., about referring the most egregious cases to the International Criminal Court to take it from the particular nation state's jurisdiction?

Ms. LUTE. What I can tell you is that a number of legal mechanisms exist for following up with individuals who have committed these crimes.

National jurisdictions, as you point out, in certain cases in the past—for example in the former Yugoslavia and in Rwanda—tribunals have been established and there is of course now the International Criminal Court.

We have not crystallized our dialogue on the penalty phase of holding accountable individuals who engage in this behavior. At the moment, we are working with the member states who recognize their own individual accountabilities.

Mr. DELAHUNT. I take it there has been no dialogue or no interaction between the International Criminal Court and the U.N. or member states regarding this particular problem, if you will? On this particular crisis.

Ms. LUTE. This issue has been raised certainly as an option among options, but the member states have not advanced their own internal dialogue on this question that I am aware of.

Mr. DELAHUNT. I would suggest, Mr. Chairman, that this is an avenue that could be pursued, if the action or lack of action on the part of member states was inadequate, despite the fact, of course, that the United States is not a signatory, but it does provide an option.

I think it was Mr. Payne who inquired relative to the ability to encourage nation states to make contributions of military personnel in these rather dangerous situations.

For example, we all share the condolences expressed by the Chairman for the loss of life recently in the Congo, but among the five members of the Security Council, the permanent members, the United States, the UK, China, Russia and France, what are the numbers of military personnel that are contributed to peacekeeping operations worldwide? If you have those statistics available.

Ms. LUTE. Well, I can tell you in the case of the United States, the United States contributes 428 uniformed personnel to U.N. peacekeeping, in addition to 314 civilian personnel.

I can certainly revert with the specific numbers of the other permanent five members of the Security Council.

Mr. DELAHUNT. I would suspect that among those five members, in terms of training, codes of conduct, the experience and the ability to discipline would be at a higher level, if you will, than some of the emerging nations that make a contribution to peacekeeping efforts. Am I making sense to you at all?

Ms. LUTE. You certainly are. We have no doubt about the ability of our troop-contributing countries to administer discipline. What we are trying to do is work with them in establishing a universal standard of acceptable behavior and an agreed sequence of actions to take when that behavior is violated.

The militaries that provide troops to U.N. peacekeeping are very professional. They know how to take disciplinary action when their troops step out of line.

Mr. DELAHUNT. Is it difficult finding nation states to make contributions? Let me indicate to you that I have been frustrated with the delay to make the commitment that was made in terms of security personnel in Haiti.

It has been a long time. It would appear that the commitment has been met now, but it was a long time in coming and a lot of blood has been shed and violence has occurred.

Ms. LUTE. This is the system we operate with. Those numbers of peacekeepers are approaching 80,000 now. We draw on 100 countries from around the world. There is international overstretch

with allocating troops for peace missions, peacekeeping missions of all kinds and we recognize——

Mr. DELAHUNT. But that is a real problem.

Ms. LUTE. Yes.

Mr. DELAHUNT. There has been legislation that has been filed in this Congress that has gone nowhere and I don't suspect it will, that would create a permanent rapid response effort with training on an ongoing basis. Do you have any observations to make about having that available? A well-trained unit that could respond in a timely fashion to these kind of crises?

Ms. LUTE. The Department has put forward to the C-34 Committee precisely this idea of creating a standing capacity to support peace operations, because they are not robustly engineered to withstand all the vicissitudes that can confront the mission in these dangerous circumstances.

In the Congo alone, in Eastern Congo, there have been 53 violent incidences, shooting at U.N. peacekeepers, since November of last year.

So we are seeking to have a standing military capacity over the horizon to rapidly reinforce missions, when that becomes required. We are also seeking to have a standing police capacity to move in at the outset of a mission, to help create the environments so law and order can prevail. These are requirements. We recognize this.

General Dallaire, who was the head of U.N. peacekeeping in Rwanda in 1994, argued that if he had had a brigade of well-armed, well-equipped, properly deployed and properly trained troops, he could have prevented some of the violence that beset that country during its genocide.

I was part of the Carnegie Commission on preventing deadly conflict that at the time convened a group of military officers, including U.S. officers, and that group concluded that he was right. That a brigade could have made a difference—100,000, 200,000, 300,000.

Mr. DELAHUNT. 800,000.

Ms. LUTE. You can stop me at any time, because——

Mr. DELAHUNT. Right.

Ms. LUTE [continuing]. The number climbs higher of course.

Mr. DELAHUNT. Again, I think the point is very well taken and I would hope that this Congress would give consideration to supporting that particular concept.

Let me just conclude by congratulating you for an obvious commitment to this issue. I think what is happening is obviously a tragedy, but presents an incredible opportunity to really create a social revolution among peoples everywhere to look at these particular issues of sexual exploitation and violence really, violence against women, because that is the bottom line, Mr. Chairman. That is the bottom line and you have been a leader in this area and let me congratulate you publicly for that.

Understand, Ms. Lute, that this is going to require decades. This is a process that requires perseverance and persistence.

You indicated earlier that in too many places sexual abuse and sexual exploitation occur. It is just not in the Congo. It is in families here in this country.

I come from Boston. It pained me as a Roman Catholic to witness what occurred in the Archdiocese of Boston. It pained me as an American citizen to witness what occurred in Abu Ghraib in Iraq.

It requires perseverance, persistence and continuing to highlight and prioritize the behavior that we witness tragically every single day, all over the world, that exploits and allows, by silence and acquiescence, sexual abuse, whether it be children, whether it be women, is totally unacceptable, but it is going to require an ongoing, permanent commitment by all of us, including the secretariat and the member states.

With that, I yield back.

Mr. SMITH. Thank you, Mr. Delahunt.

We are joined by Mr. Boozman. Thank you for being here.

Let me just ask a few follow-up questions and we appreciate your time here. You mentioned curfew and curfew is important.

General LaPorte in South Korea has told us in hearings, as well as part of an implementation of a zero tolerance policy for the United States military who are deployed in South Korea, that the curfew is one of the most important tools in his toolbox.

I would note that the report, if I read it correctly, suggested that the exploitation in the Congo takes place often between 6 o'clock and 8 o'clock early evening.

What are the penalties for violating the curfew? Part of the problem that I picked up and we all picked up in reading those reports was that these young girls are very often brought into the premises, which is a forced protection issue as well. And if you could comment on whether or not the full-time trafficking focal point person, that position expired, I am told, as of yesterday. Will that be reauthorized and has it already been so?

You mentioned the global audit. One of the things that the U.S. Government did under this Administration extremely well, Joseph Schmitz, the Inspector General for DoD, did a very thorough look at South Korea, Bosnia and globally and that has led to serious reforms within our own United States military.

You indicated, I think, that you have asked for it or requested it. What can we do to perhaps ensure that that happens? Obviously you have got to start by having all the facts in a coherent and a comprehensive way. When do you anticipate that decision will be made? Who will make it? Is that something that Kofi Annan makes?

Finally, Kim Holmes, in his testimony, makes a number of very excellent suggestions. One of them is to establish a roster of people who have been found to have committed sexual abuse or exploitation while serving the United Nations and to make sure that they are barred permanently.

Is that already something that is being done or is it something on the wish list?

Ms. LUTE. With respect to the curfew, we recognize that behavior will not simply be deterred by the imposition of a curfew. Again, individually these measures may be unsatisfying, but collectively they represent a determined effort to stamp this behavior out and create a climate of intolerance for this kind of behavior.

We are aware of that. Some have cautioned us against putting in place too stringent measures, because we will just drive this behavior underground, make it more difficult to detect.

We are not unmindful of that danger, but we are determined to look in all places, turn over every rock and create a climate of professionalism that all peacekeepers can be proud of.

The full-time trafficking focal point, again Mr. Chairman, we are very grateful for the assistance the United States Government has provided to the Department and to the United Nations in this regard. This person has been extended through June and will be helping us in taking these materials to all of our missions. We brought some of them with us today. It is an exemplary effort of taking an idea and putting it into practice and these materials will be distributed throughout our missions, not only for their value in trafficking, but also for their value on sexual exploitation and abuse.

I am also pained by the fact that 2 weeks ago on *60 Minutes*, five or six American servicewomen reported exploitation and abuse at the hands of fellow service members.

The world has not come as far as we would like to think that we have come or as far as we should have come in addressing this entire issue and we are determined that the United Nations be part of the solution.

The global audit, we have made that decision, Mr. Chairman. We will have a global audit. I will sit down tomorrow, when I am back in New York, with the leadership of the OIOS, the Office of Internal Oversight, to draw up the terms of reference, a comprehensive checklist, so that they look at the totality of the discipline within our environments, episodes that have been disciplined as they have occurred, procedures and processes within mission areas and then procedures and processes at headquarters, which may unwittingly contribute to an environment of permissiveness, where this behavior occurs with impunity.

We are determined to eradicate this, because we recognize that sexual exploitation and abuse does not occur in a vacuum.

Yes, we do have rosters established to track individuals who have been expelled from missions for this kind of behavior, to ensure that they are not rehired.

Mr. PAYNE. One real quick question, too. The question that started when Mr. Delahunt talked about the contributing countries and it seems to me that countries that have better discipline, sort of permanent members of the Security Council and I know that when the problem was severe in Sierra Leone, the British did go in to sort of prevent additional killing and of course Cote d'Ivoire and the French in Cote d'Ivoire and also DRC on their own before MONUC was set up. The Australians have gone into Fiji and East Timor, taking the leadership with the New Zealanders.

Do you think that there will be a place when NATO—for example, I am very disturbed at what is happening in Sudan and Darfur and it seems to me that a NATO led group for logistics and other kinds of things would be helpful.

Do you see the point where we will be able to encourage some of the permanent members, as we mentioned before, of the Security Council and some of those more disciplined countries with their

military, to once again become engaged, even the United States, you know, where we very reluctantly go into Africa, for example?

We sent I think a dozen people, maybe six, half dozen to Liberia. Do you think that there is a need for some of these countries, at least get in to quickly bring security and then have others come in?

Ms. LUTE. We certainly do believe that there is plenty of work to go around. We have a very good level of cooperation with NATO, with the United States in Afghanistan for example.

The United Nations is accustomed to working with other organizations and individual states. We need to have some international creativity on the approach to peacekeeping around the world. We are in a moment of some international overstretch and we need to think creatively about meeting the needs that arise.

As you know, we are on the threshold of a new mission in Sudan to reinforce the North/South peace agreement. This will be a substantial mission.

Darfur represents an entirely different case and a different challenge that has to be addressed and those troops must come from somewhere, but the U.N. remains committed to doing what it can to help the international community respond to these crises.

Mr. SMITH. Ms. Lute, thank you very much.

Mr. BOOZMAN. Could I just make one comment real quickly? I apologize. I am sorry I am late and I didn't get to hear your comments, but I really wish that you would tell your cohorts that I can't describe what negative publicity this kind of stuff is doing as far as the U.N. and how it is thought of in this country.

You know we are asked to contribute U.N. peacekeepers and to be part of this and yet last week, a couple of weeks ago, my wife, whenever it was aired, saw the *60 Minutes* or *20/20* deal and came to me and she said, "John, is that true? Are U.N. peacekeepers trading peanut butter to little kids for sex?"

I said, "That is true." Her comment was, you know, "Well what are we doing about it? Are they being punished?" Again, you know in my district in the Third District of Arkansas, I think Arkansas in general, like I say, I can't tell you the amount of negative publicity.

It is one thing to have the story run against you that isn't true. It is another thing to have a story run that is true and like I say, the best I can tell, I know that we are trying to do things in the future, but the best I can tell, very little has been done so far.

Ms. LUTE. The only thing that I would say is that this is a stain on U.N. peacekeeping. We are determined to eradicate this.

People are particularly disappointed perhaps in the U.N., because it represented the best of our hopes and aspirations for a better world, founded in large part through the efforts of the United States.

U.N. peacekeeping was invented by an American. It is a noble profession. Soldiers go to these parts of the world expecting the worst humanity has to offer. Civilians go to these parts of the world believing in the best humanity has to offer. This is an extraordinary combination that has brought the U.N. much deserved recognition for the successes that it has achieved. We need to restore that reputation of the U.N.

We take it very seriously. We take very seriously the duty of care that we owe the populations we serve and we are determined that the leadership of the Department and the leadership of the United Nations restore U.N. peacekeeping to its rightful place among the world's most noble callings.

Mr. SMITH. I want to thank our very distinguished witness, Ms. Lute, for being here today, for providing the insights during this briefing. It has been very, very helpful.

I would again look forward to working with you as we go forward. I appreciate it.

Ms. LUTE. Thank you very much, Mr. Chairman.

Mr. SMITH. I just say with some regret that two of our witnesses, Assistant Secretary Kim Holmes and Ambassador Lyman both have serious time constraints I have just been informed. We will break with the usual protocol and ask them both to come to the witness table and make their presentations.

Secretary Holmes is the Assistant Secretary of State in the Bureau of International Organization Affairs and has been in that capacity since 2002. Without objection, a full introduction to save time will be put into the record. It is a tremendous background.

As does Princeton Lyman, who has served as Ambassador to Nigeria, South Africa, Director of Refugee Programs and a myriad of other important posts past, present, and I am sure, future. His full resume will be made part of the record as well. Secretary Holmes.

STATEMENT OF THE HONORABLE KIM R. HOLMES, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. HOLMES. Mr. Chairman, distinguished Members of the Committee, I welcome this opportunity to discuss our efforts to improve United Nations peacekeeping operations and to end any sexual exploitation and human trafficking by peacekeepers of the U.N.

I would like to indeed submit my full statement for the record, Mr. Chairman. Mr. Chairman, it is reprehensible that anyone connected with the U.N. peacekeeping operation mission, the very people, as been said here many times, that the world trusts to protect civilians from harm, should prey on the women and children that are seeking their help.

The United States does not take these matters lightly. We strongly support the policy of zero tolerance for sexual abuse by peacekeepers and we are pressing the United Nations to make sure that this policy is implemented and we expect full accountability for the abuses that have come to light thus far.

Let me speak directly to the situation, if I may, in the Democratic Republic of Congo. Early in 2004, our mission to the United Nations in New York pressured the United Nations Department for Peacekeeping Operations (DPKO) to investigate the emerging allegations of sexual abuse in the Congo.

We asked DPKO to report its findings to all member states of the United Nations. As been said here, DPKO created an ad hoc rapid response investigation team and a task force at MONUC's headquarters in Kinshasa. This investigation uncovered stories of sexual exploitation of minors on a shocking scale, by both civilian and military members of the peacekeeping force in the Congo.

When MONUC's mandate came up for renewal last October, we were able to include language requesting the Secretary-General to investigate the allegations and also to take appropriate action against those involved and encourage training to ensure full compliance with the United Nations' Code of Personal Conduct for Blue Helmets.

Last October, Mr. Chairman, I personally visited the Congo mission and heard some of the stories firsthand and upon my return, I wrote to Mr. Jean-Marie Guehenno, the U.N. Under-Secretary-General for Peacekeeping Operations, to urge him to ensure strong disciplinary actions against the abusers.

Early this year, Secretary Powell and the Foreign Minister of Japan wrote to Secretary-General Annan, urging him to take quick action and to ensure that such abuse is ended.

Following up on these requests, we have drafted, and we are currently circulating in the Security Council, a resolution on preventing sexual abuse in U.N. peacekeeping missions.

Mr. Chairman, the pressure we have asserted over time is having some effect. Last November, Secretary-General Annan appointed a special advisor, Prince Zeid, to work with troop-contributing countries to ensure compliance in the field and accountability for breaches of the Code of Conduct.

Secretary-General Annan also dispatched an investigative team under U.N. Assistant Secretary-General Angela Kane, to investigate serious cases of sexual exploitation by military and civilian peacekeepers and those investigations should be completed soon.

The Department of State, as part of its broader effort to combat trafficking in persons, has helped the DPKO prepare anti-trafficking and anti-sexual exploitation guidance for training U.N. peacekeeping staff worldwide.

Mr. Chairman, Jane Holl Lute referred to some of the items that were used with the funding and we have here a copy of the report and its use for guidance, called "Stop Abuse, Keep Out of the Off Limits Locations, Report Abuse." This was funded by U.S. financial support for the United Nations DPKO operations.

Through diplomatic channels we are urging all troop-contributing countries to take appropriate disciplinary actions against repatriated military members who face charges of sexual exploitation, according to their own military judicial procedures.

But Mr. Chairman, many questions remain. Major disparities remain between formal United Nations policies and some peacekeeper's behavior. Troop rotations have sometimes given perpetrators de facto immunity for their misdeeds. Military commanders have sometimes not cooperated with the U.N. investigators and violations of the Code of Conduct continued in the Congo, even after the OIOS investigation was underway.

The November, 2004 draft U.N. report on the abuses in the Congo found and I quote, and this has been mentioned already, "Found zero compliance with zero tolerance policy." This is simply unacceptable.

Only when U.N. peacekeepers understand they will not get away with their abuses will these scandals cease.

Mr. Chairman, I believe the United Nations must create a culture that rejects and penalizes exploitation and abuse at every level. It must expect the same from troop-contributing countries.

Specifically, we will press the United Nations system to adopt the following measures to add teeth to these efforts. We believe the U.N. should require advanced training for anyone involved in U.N. peacekeeping, making absolutely clear that sexual abuse and exploitation will be swiftly investigated and dealt with, through appropriate national disciplinary and administrative means.

The U.N. should require that would-be troop-contributing countries to commit, in writing, to provide United Nations specific training on sexual abuse and exploitation before the troops deploy to the region.

We should require that these would-be troop-contributing countries commit, again in writing, to deal swiftly with allegations of sexual abuse or exploitation through national disciplinary and administrative means and to report to the United Nations the final disposition of each of these cases.

We think also the U.N. should require individual unit commanders to be held accountable for the behavior of troops under their command and, as you mentioned, the United Nations should establish a roster of those found to have committed sexual abuse or exploitation while serving with the U.N. and provide a commitment that these persons would be permanently barred from U.N. service in any capacity in the future.

Mr. Chairman, sexual exploitation of civilians is intolerable and we will make its prevention and its punishment a top priority in all U.N. peacekeeping missions.

Thank you very much.

[The biography and prepared statement of Mr. Holmes follows:]

BIOGRAPHY AND PREPARED STATEMENT OF THE HONORABLE KIM R. HOLMES, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, U.S. DEPARTMENT OF STATE

BIOGRAPHY

Kim R. Holmes was sworn in as Assistant Secretary, Bureau of International Organization Affairs on November 21, 2002.

The Bureau of International Organization Affairs (IO) develops and implements U.S. policy in the United Nations, its specialized and voluntary agencies, and certain other international organizations. A primary goal of the Bureau is to help shape the multilateral system into a more efficient and effective instrument to meet the challenges of the 21st Century.

Dr. Holmes previously served as Vice President and Director of the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation. He was the Heritage Foundation's principal spokesman on foreign and defense policy issues, as well as the senior editor of Heritage foreign policy publications and the senior managing officer in charge of research, personnel and programs.

Prior to becoming Heritage Vice President in 1992, Dr. Holmes was Director of Foreign and Defense Policy Studies and Senior Policy Analyst for national security affairs at Heritage, specializing in arms control, NATO affairs and East-West strategic relations. Dr. Holmes first joined Heritage in 1985. He was previously a Senior Fellow at the Institute for Foreign Policy Analysis of the Fletcher School of Law and Diplomacy.

Dr. Holmes holds Ph.D. (1982) and M.A. (1977) degrees in history from Georgetown University. He obtained a B.A. in history in 1974 from the University of Central Florida in Orlando. He was a research fellow at the Institute for European History in Mainz, Germany in 1981. After receiving his Ph.D., Dr. Holmes taught at Georgetown University, specializing in European security issues and European in-

tellectual history. Dr. Holmes is the co-editor of various foreign policy books and author of numerous scholarly articles.

Released on November 24, 2002

PREPARED STATEMENT

Mr. Chairman, distinguished members of the Committee, I welcome this opportunity to discuss our efforts to improve United Nations peacekeeping operations, and to end any involvement of UN peacekeepers in sexual exploitation and human trafficking.

We are outraged over the abuses that have come to light. I will go over some of the ways we are pressing the United Nations to deal with this serious matter, but I want to make clear we believe more must be done by the UN to ensure these abuses do not happen again.

Mr. Chairman, it is reprehensible that anyone connected with a UN peacekeeping mission—the very people the world entrusted to protect civilians from harm—should prey on the very women and children seeking their help. The few who commit these offenses unjustly impugn the reputation of the tens of thousands of UN peacekeepers who carry out their duties honorably under dangerous and difficult conditions. Some of them, such as the nine peacekeepers from Bangladesh who were killed in the Congo on February 24, make the ultimate sacrifice.

The United States does not take these matters lightly. We strongly support the UN's stated policy of zero tolerance for sexual abuse by peacekeepers, and we are pressing the UN to make sure this policy is implemented. We expect full accountability for the abuses that have come to light in the mission in the Democratic Republic of the Congo (or MONUC) and other UN missions.

Let me speak directly to the situation in the Democratic Republic of the Congo. Early in 2004, our mission to the United Nations in New York pressed the UN Department of Peacekeeping Operations (DPKO) to investigate allegations of sexual abuse in the Congo. We asked DPKO to report its findings to all UN member states. DPKO created an ad hoc "rapid response" investigation team and task force at MONUC headquarters in Kinshasa. Its investigation uncovered stories of sexual exploitation of minors, on a shocking scale, by both civilian and military members of the peacekeeping force.

The news did not sit well with former Secretary Powell, who personally expressed our grave concern to Secretary-General Kofi Annan. When MONUC's mandate came up for renewal last October, we convinced the Security Council to include in Resolution 1565 language requesting the Secretary-General to investigate the allegations, take appropriate action against those involved, and encourage training to ensure full compliance with the UN Code of Personal Conduct for Blue Helmets.

In October 2004, I personally visited the Congo mission and heard some of the stories firsthand. Upon my return, I immediately wrote to Mr. Jean-Marie Guehenno, the UN Undersecretary General for Peacekeeping Operations, to urge him to ensure strong disciplinary actions were taken against the abusers. Early this year, Secretary Powell and Foreign Minister Nobutaka Machimura of Japan wrote to Secretary-General Annan, urging him to take quick action and ensure such sexual exploitation and abuses by UN peacekeepers ends, completely.

Mr. Chairman, the pressure we have asserted over time is having some effect. Last summer, for example, the UN Office of Internal Oversight Services (OIOS) sent a team to investigate the allegations; it has made some recommendations. MONUC itself has implemented strict non-fraternization regulations and a curfew for its military contingent. And DPKO has made the UN Code of Conduct the focus of special training sessions for UN peacekeepers. DPKO should make this training mandatory for all UN peacekeepers. DPKO has established a permanent Personal Conduct Unit in its peacekeeping mission in the Congo to monitor implementation of this Code of Conduct; such units should be a feature of all peacekeeping missions.

Last November, Secretary-General Annan appointed Prince Zeid Ra'ad al-Hussein as his special adviser to work with troop contributing countries to ensure actual compliance in the field and accountability for breaches of the Code of Conduct. Annan also dispatched an investigative team under UN Assistant Secretary General Angela Kane to investigate serious cases of sexual exploitation by military and civilian peacekeepers. Those investigations should be completed soon. Deputy Secretary General Louise Frechette has announced that beginning this week, she will begin a series of visits to all UN peacekeeping missions to re-affirm the Secretary General's zero-tolerance policy on sexual exploitation.

We expect the UN to provide a full accounting of its disciplinary actions against civilian perpetrators of abuse and of measures troop contributing countries have taken against members of their military forces.

Some troop contributing countries have already taken corrective actions. Morocco recently removed two of its unit commanders from the Congo. It announced the prosecution of six military members who had been repatriated at MONUC's request, after the allegations were substantiated. France has opened judicial proceedings against a civilian MONUC staffer accused of running a pedophile ring, who is currently imprisoned in France.

Through diplomatic channels, we are urging all troop contributing countries to take appropriate disciplinary actions against repatriated military members who face charges of sexual exploitation, according to their own military judicial procedures.

We also note that UN Assistant Secretary-General Jane Holl Lute is working on recommendations for longer-term changes in UN rules and procedures to give the UN system legal tools to enforce accountability and compliance with the Code of Conduct.

Just last week, the UN General Assembly Special Committee on Peacekeeping Operations completed a draft annual report that should include recommendations on strengthening pre-deployment and conducting in-mission training on the zero-tolerance policy and the consequences of misconduct. We expect the report to make clear that acts of sexual abuse or exploitation are intolerable, and that troop contributors have a duty to ensure those responsible for such acts are punished. We also expect the report to recommend mechanisms for penalizing troop contributors that do not comply with the guidelines on enforcement and prosecution, including financial penalties. We understand the Committee has asked the UN Secretariat to identify procedures to implement those penalties. We expect the final Committee report soon.

In September 2004, the Department of State, as part of its broader effort to combat Trafficking in Persons, funded a six-month program to the DPKO to help prepare anti-trafficking guidance for use in training UN peacekeeping staff worldwide. The resource manual was published in December 2004 and is available online on the DPKO website.

Mr. Chairman, these ad hoc responses are steps in the right direction. But many questions remain, such as how to address the problem of the children fathered and left behind by some peacekeepers. Major disparities remain between formal UN policies and some peacekeepers' behavior. Troop rotations have sometimes given perpetrators de facto impunity for their misdeeds. Military commanders have sometimes not cooperated with UN investigators. And violations of the Code of Conduct continued in the Congo even after the OIOS investigation.

The November 2004 UN report on the abuses in the Congo found, and I quote, "zero compliance" [unquote] with the zero tolerance policy. Under Secretary Guehenno said last month that "Some peacekeepers still have not gotten the message."

This is unacceptable. The United Nations and DPKO must do more to eliminate any tolerance for peacekeepers who abuse civilians. Military commanders of national contingents and civilian administrators must be held accountable for the actions of the personnel they supervise. If discipline is warranted but not enforced, the UN should repatriate the commanders and recommend their national commands take disciplinary action. The results of actions taken against perpetrators of exploitation and abuse should be reported for transparency purposes. Only when UN peacekeepers understand they will not get away with their abuses will this scandal cease.

We urge DPKO to bolster the highest standards of discipline and conduct befitting a UN peacekeeping operation. Training programs for new peacekeeping personnel must make clear that the Code of Personal Conduct for Blue Helmets, the zero-tolerance policy for exploitation and abuse, and international humanitarian law will be fully enforced. This is particularly important as UN peacekeeping missions expand into other post-conflict zones such as Sudan.

Mr. Chairman, standards and training workshops are key steps, and the Security Council members have a role in ensuring these steps are part of every mission. But I believe the United Nations must also create a culture that rejects and penalizes exploitation and abuse at every level of peacekeeping, from senior civilian and military leadership down to the individual peacekeepers. And it must expect the same from troop contributing countries.

Specifically, we will press the United Nations system to adopt the following measures that would add teeth to their efforts:

- *Require* advance training for anyone involved in UN peacekeeping that makes absolutely clear sexual abuse and exploitation will be swiftly investigated and dealt with through appropriate national disciplinary and administrative measures.

- *Require* would-be troop contributing countries to commit, in writing, to providing UN-specific training on sexual abuse and exploitation before troops deploy.
- *Require* would-be troop contributing countries to commit, in writing, to dealing swiftly with allegations of sexual abuse or exploitation through national disciplinary and administrative means, and to report to the UN the final disposition of each case.
- *Require* individual unit commanders to be held accountable for the behavior of troops under their command.
- *Establish* a roster of people who have been found to have committed sexual abuse or exploitation while serving with the United Nations, and provide a commitment that these persons would be permanently barred from UN service in any capacity in the future.

The United States takes its responsibility with respect to UN peacekeeping missions very seriously. I believe other Security Council members do as well. As we review proposals for new missions and extensions of existing ones, I assure you that we strive to ensure UN peacekeeping personnel are properly trained, equipped and staffed to do what we ask of them. Sexual exploitation of civilians is intolerable, and we will place its prevention and punishment as a top priority in all UN peacekeeping missions.

Mr. SMITH. Secretary Holmes, thank you very much for your leadership and for your great testimony.

Mr. HOLMES. Thank you.

Mr. SMITH. Ambassador Lyman?

**STATEMENT OF THE HONORABLE PRINCETON L. LYMAN,
RALPH BUNCHE SENIOR FELLOW AND DIRECTOR OF AFRICA
POLICY STUDIES, COUNCIL ON FOREIGN RELATIONS**

Mr. LYMAN. Thank you very much, Mr. Chairman. Thank you for this special courtesy and I appreciate the Assistant Secretary also for this courtesy.

I congratulate you and the Members of the Committee for holding this hearing.

The charges of sexual abuse are most dismaying, as we have talked about already. It is a betrayal. It is a betrayal of the trust and hopes of the people who are depending on the U.N., and it is a betrayal of the honor and the purposes of the United Nations. Congressman Boozman's comments are especially apropos in this regard.

But we have to put this in the context of the mission as a whole. Earlier, MONUC suffered another loss of confidence when it initially failed to stop the overrunning of the City of Bukavu or to stop gross violations of human rights, especially in the same Ituri region of the Congo.

We have to put that into the context of what the U.N. is being charged with doing. As Jane Holl Lute pointed out, there are now 80,000 peacekeepers worldwide and these peacekeepers are often put in situations which are extremely tense, in which the threat of conflict or actual conflict often takes place.

We also need to keep in mind how vital the U.N. peacekeeping missions are. In Liberia, Sierra Leone, Burundi, East Timor as well as in Congo, the presence of the U.N. peacekeepers is absolutely important in enabling a return to peace and stability, the means for disarming rebel forces and, in effect, they provide the difference between war and peace.

As just one example, you will recall when President Bush was able to send home the Marines off the shore of Liberia, it was be-

cause first West African troops and then U.N. troops were able to come in, stabilize that situation and enable the achieving of United States objectives.

We also have to remember, as has been discussed here, that U.N. peacekeepers today are not safe from attack. Nearly 2,000 U.N. peacekeepers have lost their lives in peacekeeping operations and more than 50 in the Congo alone, and that has to be kept in mind.

As terrible as these accusations are, and as much as they must be punished, just as in our own service, we don't want that to denigrate the service and sacrifice of the many thousands who are serving in these very difficult situations.

What should be done? Well many good suggestions have been made already, Mr. Chairman and many things have been done.

Of course, we must condemn this kind of practice and root it out as much as possible. As I said, it is a betrayal of the people who are depending on the U.N. for protection and it is a betrayal of the U.N.'s purposes.

But second, we must not weaken MONUC in the process. We need to strengthen it.

We have to keep in mind that very often we start peacekeeping operations with too small a force and too limited a mandate and then they are in over their heads and we have to add to the mandate and add to the numbers. That is clearly the history of what took place in the Congo.

I would add just a couple things to the many good suggestions that have been made and I would follow-up on the very good suggestions and actions that Assistant Secretary Holmes has mentioned and that is, it is the responsibility of the members of the Security Council to back up these codes of conduct.

It is the Security Council that authorizes the peacekeeping forces and it isn't just the U.N. bureaucracy and even the U.N. Secretary-General, but it must be the Security Council that says to the contributing nations, this is what we are counting on.

The U.S. can play a very important role in this regard, and already is, but we have to keep in mind we provide a very small percentage of the actual numbers of peacekeepers and therefore, we need the other nations working with us to enforce this.

I would also say some things about the general situation in the Congo, if I may, and things that need to be done, because some of the violence that is taking place in the Congo, complex as it is, is being encouraged or abetted by the neighboring states.

I think the United States should join with others in putting pressure on neighboring states to cooperate much more fully in the peace process that the African Union has been leading and stop, either through their surrogates or others, fomenting the kind of violence that is taking place.

As others will point out, many, many people have suffered in the Congo from actions well beyond that that we are talking about today.

Nearly four million people have died in this war. It must be brought to an end and that takes the actions of the entire international community working with the African Union, putting pressure on those who are abetting the violence and helping bring this under control.

Mr. Chairman, thank you very much and I would ask that my full statement be made part of the record.

[The biography and prepared statement of Mr. Lyman follows:]

BIOGRAPHY AND PREPARED STATEMENT OF THE HONORABLE PRINCETON L. LYMAN, RALPH BUNCHE SENIOR FELLOW AND DIRECTOR OF AFRICA POLICY STUDIES, COUNCIL ON FOREIGN RELATIONS

BIOGRAPHY

Ambassador Princeton N. Lyman is the Ralph Bunche Senior Fellow and Director of Africa Policy Studies at the Council on Foreign Relations. He is also Adjunct Professor at Georgetown University.

Ambassador Lyman's career in government included assignments as Deputy Assistant Secretary of State for Africa, Ambassador to Nigeria, Director of Refugee Programs, Ambassador to South Africa, and Assistant Secretary of State for International Organization Affairs. Earlier in the US Agency for International Development he was Director of USAID in Addis Ababa, Ethiopia.

From 1999–2003, he was Executive Director of the Global Interdependence Initiative at the Aspen Institute, and he remains chairman of the project's Advisory Board. Ambassador Lyman is a member of several other Boards, including the American Academy of Diplomacy, the Fund for Peace, Plan/USA, the Amy Biehl Foundation, the US-South Africa Business Council, and the Board on African Science Academy Development for the National Academies of Sciences. He is a member of the HIV/AIDS Task Force co-chaired by Senators Bill Frist and Russell Feingold. He also co-chairs the Southern Africa Working Group for the Corporate Council on Africa.

Ambassador Lyman has a Ph.D. in Political Science from Harvard University. He has published books and articles on foreign policy, African affairs, economic development, HIV/AIDS, UN reform and peacekeeping. He has published op-eds in the Washington Post, Wall Street Journal, Baltimore Sun, Miami Herald, Los Angeles Times and the International Herald Tribune. His book *Partner to History: The U.S. Role in South Africa's Transition to Democracy*, was published in 2002.

His project reports for the Council on Foreign Relations include *Giving Meaning to Never Again: Seeking an Effective Response to the Crisis in Darfur and Beyond*, with Cheryl Igiri, September 2004; *Freedom, Prosperity, and Security: The G8 Partnership with Africa: Sea Island 2004 and Beyond*, May 2004; and *Addressing the HIV/AIDS Pandemic: A U.S. Global AIDS Strategy for the Long Term*, May 2004.

PREPARED STATEMENT

Mr. Chairman, members of the Subcommittee, thank you for holding this important hearing. I am pleased to offer this testimony on the issues surrounding MONUC and the implications for UN peacekeeping reform.

The UN has been rocked by a series of scandals and investigations lately. The problems in MONUC are among the latest and deserve careful attention. The charges of sexual abuse are of course most dismaying. Such conduct is a betrayal, a betrayal of the trust and hopes a suffering population puts in the UN but also a betrayal of the honor and purposes of the UN. Earlier, MONUC suffered a loss of confidence when it initially failed to stop the overrunning of the city of Bukavu by a rebel force, and in other instances by its inability to stop gross human rights violations, especially in the Ituri region of Congo.

But the problems of MONUC need to be put in context and must lead us to the right conclusions not the wrong ones. UN peacekeeping has never faced the number and seriousness of challenges as it does today. There are currently sixteen UN peacekeeping missions around the world, involving more than 65,000 peacekeepers. Some of these missions are relatively benign, such as on Cyprus, but the vast majority are in situations of great tension, where the threat of renewed conflict, if not situations of on going conflict is present.

In these situations, the UN role is absolutely critical. In Liberia, Sierra Leone, Burundi, and East Timor, the presence of UN peacekeepers is the most important factor in enabling a return to peace and stability, the means to disarming rebel forces, and in effect the difference between war and peace. When the United States decided to have the marines sail away from Liberia, on the heels of President Bush's historic trip to Africa, it was because first the West Africans, then the UN provided the stability needed for US objectives to be achieved. The terrible brutality in Sierra Leone's civil war has only recently been put behind us with the help of a major UN peacekeeping force.

In Congo, as other witnesses will detail, the UN faces one of its most difficult challenges. Congo is a huge country at the center of Africa and its collapse into civil war and internal chaos reverberated around the continent. As many as four million people have died as a result of the conflict. Only a most tenuous cease fire and political agreement is in place to end the violence. The attacks in the eastern part of the country continue, not only from internal rebel forces and as a product of ethnic strife, but with the encouragement of outside forces. Competition for natural resources—gold, diamonds, other raw materials—is intense, drawing in not only neighboring countries but multinational corporations and some shady enterprises as well.

As often happens in these situations, and it is a lesson for our discussion today, the UN committed initially a UN force too small and with too limited a mandate to achieve its objectives. Only gradually, over time, has the size of the force been expanded to a target of 16,700. Still no more than 13,900 are in place. In the interim, attacks on civilians occurred and terrible human rights violations were committed. A special non-UN intervention was needed until MONUC could be expanded and its mandate strengthened. MONUC has more recently succeeded in bringing order to some parts of the eastern region, but not yet all. Intervention by Rwandans and perhaps Ugandans or their surrogates adds to the difficulties of the situation.

The conditions under which UN peacekeepers operate today is also different than what was envisaged when peacekeeping was first developed. UN peacekeepers are no longer safe from attack. Indeed, just under 2,000 UN peacekeepers have been killed around the world. MONUC has lost more than 50 members. Just this last Friday, nine Bangladeshi UN peacekeepers were ambushed and killed, a grim reminder of the environment in which MONUC operates.

It is in this context that we must examine MONUC's problems and solutions.

First of all, we must condemn the sexual abuse that took place. As I said earlier, such acts are a betrayal of the trust in the UN and its purpose. But we must remember also that there are 48 nations which have contributed troops to MONUC, including friends of the US such as Canada, Poland, Ireland, Senegal and others. There are more than 13,000 troops there. Just as we do not denigrate our servicemen and women serving around the world, in the wake of scandals of abuse that have caused us so much anguish, so must we be careful not to denigrate the entirety of those serving in Congo.

Second, we must not weaken MONUC in the process of addressing these issues. On the contrary, one of MONUC's problems is that it is stretched thin over a vast country, nearly one-quarter the size of the United States, charged with protecting peoples in far out reaches of the country.

Third, we have to recognize that the UN does not have the authority to take legal or disciplinary action against abusers, only the contributing country does.

With these considerations in mind, I recommend the following:

- The UN should continue its investigations and pass its conclusions, in detail, to the countries whose troops committed these acts.
- The UN should insist that offending individuals be disciplined according to the laws of their countries.
- Member countries of the Security Council, including the U.S., should make the same demands of those contributing countries.
- The Security Council should develop much more specific guidelines for contributing countries to UN peacekeeping, including a code of conduct, and pledges by those countries to screen, train and where necessary discipline such troops, police or civilian employees. Contributing countries should agree to cooperate fully with UN investigations of conduct and to take rapid action to remove abusive members. While the UN Secretary-General is now developing such guidelines, it is better if these guidelines come from the Security Council.
- The United States should take a leading role in the Security Council in the development of such guidelines, but not act alone keeping in mind that the U.S. contributes less than 5% of UN peacekeepers.

Specifically with regard to Congo and MONUC's overall effectiveness:

- The Security Council should reexamine the size and mandate of MONUC to determine if they are adequate to the demand. It is likely that a substantial increase in MONUC's size may be necessary to counter the problems in the eastern and other troubled regions.
- The United States should exert more influence on neighboring countries, especially Uganda and Rwanda, to cooperate with the peace process and rein

in surrogate forces responsible for the violence and gross violation of human rights.

- The United States should invest much more diplomatically and with its resources in support of the tenuous peace process under way. This could include greater support to the Africa Union's negotiations, support for increased number of human rights monitors from the UN and elsewhere.
- The United States should raise with its European allies a possible code of conduct for private companies doing business in Congo, to discourage companies from making deals with rebel forces or others not cooperating with the peace process.
- In this regard, the United States and its European allies should advocate for total transparency of arrangements by the Congo government, various regional authorities, and neighboring countries along with private companies, with regard to rights granted for mining or other natural resource exploitation.

Mr. Chairman, the situation in Congo is desperate. Many, many people have suffered. Many women have been raped by the contending forces, far more than ever by UN peacekeepers. The political solutions being negotiated are tenuous at best. If we wish to bring order out of this chaos, and to improve the ability of the UN to play its role we must treat both the situation in that country and the conditions whereby peacekeepers operate. This is in many ways a defining moment for the UN. Let us use this opportunity to strengthen it for the sake of our own interests and those of the millions who look to it for protection.

Mr. SMITH. Without objection, Mr. Ambassador, it will be. I understand you have a very severe time restraint so please feel free to go at any time.

Just a couple of very quick questions, if I could. Secretary Holmes, you mentioned holding commanders accountable. What does that mean?

We all know that, whether it be the NCO Corps or the Officer Corps at any level, if you have bad officers or ones who look askance at misdeeds, you get more of it and you get a sense or a culture of impunity. How do we hold the commanders accountable?

Let me also ask you: Dr. Gardiner, in his testimony, makes a suggestion, a key recommendation that the U.S. should call for a Security Council backed, fully independent investigation into MONUC abuse scandal, to cover all areas of the operation and then he also says it ought to be in for some other areas as well and I preface that or add to that concern.

When we had our 9/11, the horrific events of 9/11, there were several investigations that covered parts of it, but it wasn't until the Blue Ribbon Commission did its work with eminent persons looking at every aspect, leaving no stone unturned, did we uncover additional areas that had gone unnoticed or certainly not focused upon the way they should be.

Perhaps Nobel Peace Prize winners could form some or all of such a commission. Your comments on that?

He also makes a point about lifting diplomatic immunity for U.N. staff accused of criminal acts in the Congo. I would add to that recommendation, if a country doesn't act, if indeed someone has committed a heinous crime, rape and other kinds of exploitation and the country of origin does not act, would then lifting of diplomatic immunity, in your view, be warranted?

Finally, the issue that may come forward from Prince Zeid's recommendations is bringing judges in from a country where the peacekeepers have been accused of very serious and heinous wrongdoing. Is that something the U.S. would be supportive of?

So that almost like the judges who used to ride out to the west and hear cases as they went from town-to-town, would that work?

Since the mandate is coming up in March to continue this, what will we be insisting upon?

Ambassador Lyman, any comment you want to make, please chime in.

Mr. HOLMES. Thank you, Mr. Chairman, for those questions. The first one about the accountability of the commanders, the first thing I think needs to be done, and I mentioned it in my testimony, is there must be a written understanding, a memorandum of understanding, between the United Nations and the troop-contributing countries about what is expected of the commanders and what is expected of the troops.

You can look at the problem here as basically a breakdown of military discipline and if we can have regulations that are enforced by the U.N., perhaps through this idea of a military courts marshal, which I happen to think is a good idea, there are many ways in which militaries deal with these kinds of problems. This is not inventing the wheel. It is making sure that the proper standards are being applied.

This may be a way of getting around that and that there would be not only, depending on what the allegation is of course, there would be not only the certain regulations that deal with criminal activity, but also violations of the U.N. Code of Conduct that may not be criminal, but nonetheless require some accountability.

You would have to be able to deal with this in a varied way that ensures that justice is being effectively and equally applied.

On the idea of a Security Council investigation, there are a number of investigations going on already that I mentioned in my testimony. Prince Zeid has got one. Angela Kane has engaged an investigation.

There will be a report. There is a draft report from the General Assembly Special Committee on Peacekeeping that will be looking into the general problem of how peacekeeping can be improved, but also how this particular problem can be handled and at that point, I would expect at some point that the Secretary-General will either have his own report on what to do about this or he may embrace Prince Zeid's report, which has a number of interesting recommendations in it.

What I am getting at is, let us see where these reports go. There are some good ideas there. As I mentioned before, we are proposing a resolution in the Security Council that some of these specific ideas would be mandated by the Security Council. And if at any given time we feel that there is not adequate follow-through, or that these investigations are not getting the kind of serious attention from the U.N. Secretary that they warrant, then that is something that we may consider down the road.

Mr. SMITH. Will the gentleman yield for 1 second?

Mr. HOLMES. Yes.

Mr. SMITH. The word "independent" I think is the most important aspect.

Mr. HOLMES. Absolutely.

Mr. SMITH. To a commission that would be constituted.

Mr. HOLMES. Yes, absolutely. There is some thought of an Inspector General approach to this. This is something that may require some changes in the U.N. Charter, but I do believe that whatever investigation capacity there is by the DPKO that there is not an appearance that this agency or this department is investigating itself.

On the issue of diplomatic immunity, the United Nations can, of course, discipline its civilian staff and the U.N. personnel have what is called functional immunity. That is, they have immunity only for official duties. This is for the civilians.

But criminal activities are by definition never protected by functional immunity. So we think that certainly, as a general proposition, the Secretary-General has the obligation to waive any functional immunity that allows justice to take course.

This is something we have insisted on already with the U.N., and it is something that we continue to insist on in the future.

As for your last point about judges for courts marshals, when I was in the Congo in October, Mr. Chairman, as I mentioned in my testimony, one of the things that first struck me was this disconnect between the authority of the U.N. and the authority of the troop-contributing countries. There was not only a lack of capacity on the part of MONUC to actually investigate these allegations, there also was this problem of sending the people back to their original countries and hoping for the best, that they would be followed up on in any kind of prosecutions.

This is not a hope that we should be depending on. There should be something more reliable than that.

One idea that I think merits a consideration is that the U.N. could look at having professional investigators, people who have expertise with sex crimes and dealing with children and the like, that can be dispatched to any number of peacekeeping operations when there are allegations made like this, so they can take the investigation under consideration on the ground. Then after we have had a memorandum of understanding with the troop-contributing countries, where they realize that there may be this idea, for example, of court marshals, that that could also be used as a way of ensuring that the investigation occurs where the witnesses are, which of course is in the country at hand. At that point, I think that we might have better accountability.

The last point I would make is that I think the most important thing, and this is why I think this hearing is so important, is the United Nations needs to change its culture of the way it thinks about this problem.

In some ways, this occurred because there was a failure of anticipating that it could—and probably could—occur, if you didn't have certain measures in place ahead of time.

So here we are now, faced with an embarrassing situation where the United Nations is having to go in and correct a problem, which as you rightly said, had existed in previous operations in Bosnia and in Kosovo. It is not as if we didn't have any evidence that this sort of thing could occur.

I think if we changed the culture of the U.N., and I believe that the very eloquent testimony of Jane Holl Lute this morning seems to indicate to me that they are indeed getting the message, that we

can follow that through with some concrete measures, we can start to get to a place where these kinds of things will not happen again.

Mr. SMITH. Mr. Payne?

Mr. PAYNE. Thank you very much. Mr. Assistant Secretary, do you feel that the U.S. could volunteer or come up with more expertise? You said U.N. is lagging and I know that we have had to really come to grips with problems.

This, as the Chairman said, is nothing new. We have had problems in Okinawa with our servicemen for years. We have had Canadian soldiers in Somalia that ran into some recent problems and are doing investigations of Europeans and in Africa from even colonialism decades ago.

Of course the most embarrassing thing was Abu Ghraib, where we can see what can happen in a military situation. We would never expect that kind of behavior from the best and the brightest of our country and so there is really, I think, something that needs to be done with the whole culture of the military.

Do you think that the U.S. could come up with a model that could really make it clear to the U.N. that we probably have the expertise to go about it and put more of an emphasis on it ourselves, to sort of assist the U.N. in this problem?

Mr. HOLMES. Mr. Payne, thank you for that question, because we have already, through the good offices of Ambassador John Miller, who is our Ambassador for Trafficking, we have already had a series of conversations with the U.N. secretariat to try to share the knowledge and experience that Ambassador Miller and we have in other areas with the United Nations. We have already started this dialogue and we will continue this dialogue, because I think it is very important.

I think that is a very interesting suggestion of whether or not we would take it to the next step and perhaps have some of the civilian representatives on the ground being represented in such a fashion.

I think that is an idea worth considering. We have currently deployed, with the United Nations, 404 civ pols, as they are called. Most of them are in an advisory capacity on human rights and policy and the like, but this is something that is worth exploring.

I just wanted to assure you that we have been thinking of this, and we anticipated that the U.N. is open to this kind of consultation and they can learn not only from us, but from other countries that have similar experiences.

Mr. PAYNE. Thank you. Ambassador Lyman, I followed your career and you have really been an outstanding public servant.

I did want to ask you a question about the fact that we should assert more influence on neighboring countries, especially Uganda and Rwanda, to cooperate with the peace process and reign in the surrogate forces responsible for violence, which I certainly agree.

However, you know as I have spoken to the heads of each of those states on several times, in their countries, when they were here at the U.N. and I continually get the question from the President of Rwanda, President Kagame, says that if the DRC would take and hand over the Interahamwe—the ex-FAR of Rwanda, the negative forces that are still in the Congo—that the problem could be solved. I know that the U.N. has now set up this tripartite

group, but I know you pointed to the fact that you found that Rwandan needs to stop encouraging.

However, isn't it a sort of a three-way thing where the Congo, with the support of Zimbabwe, would all of a sudden decide it had to go in to support the Government of the Congo, its midst that the Interahamwe ex-FAR are still there?

You didn't mention that and I just wonder, Do you think that that is also a problem?

Mr. LYMAN. Congressman, thank you. That is an important issue and it is certainly a very important issue for Rwanda, but I am not sure it is the only reason that Rwanda has involved itself, either directly or through surrogates, in the eastern part of the Congo. There is also the question of access to resources and future control.

So while the remnants of Interahamwe or other groups opposed to the Rwandan Government are a serious issue that need to be addressed by the DRC and, to the extent it can, by MONUC, I think we have to be candid with the Rwandans that it doesn't seem to be the only reason by which they have intervened. I recognize the complexities of the issue and I think the tripart talks that are now underway and the joint military commissions that are underway are steps in this direction, but I think a more diplomatic effort can be addressed to it.

Mr. PAYNE. I agree. Just that I raised the question to the President of Rwanda and said, "Well isn't this just an excuse so you can go in east and deal with the resources?" He simply acknowledges that to prove him wrong, why don't they deal with turning over the Interahamwe and the ex-FAR and then see what the behavior will be on his part?

It seems to me that that might be a pretty interesting solution. If he claims he only wants to be protective and also to get those people who planned the genocide, carried out the genocide, who are still under the protection of forces in the DRC, then it seems a simple way that we could either prove that he is lying or that he is telling the truth.

Let us have a procedure to have that happen and then I think we would be very clear to have strong condemnations and have strong sanctions and have a break of diplomatic relations or aid or AGOA or other things to Rwanda, if, after this is done, he still continues to feel that he has to protect, or at least bring to justice, those negative forces.

Mr. LYMAN. It is a very good point. I think as part of the agreement, that is supposed to be done. That is one of the responsibilities of the DRC and they haven't done it.

Whether it is because they don't want to or they are not capable of doing it, that issue is out there and I agree with you. It has to be addressed, along with the other issues.

Mr. SMITH. I would just note that Mr. Nsenga from Rwanda was here for most of our meeting, but he has left.

Ambassador Ssempala from Uganda is here and we thank you for your presence.

Mr. Royce?

Mr. ROYCE. Thank you, Mr. Chairman.

I visited the Congo in 1997, just days after President Laurent Kabila ousted former dictator Mobutu with the support of Rwandan

and Ugandan troops. And in June of last year, I returned and met with President Joseph Kabila, along with Congolese dissidents and with the U.N. Secretary-General's Special Representative there, Ambassador William Swing.

We have had several hearings on the ongoing crisis in the DRC and on the U.N. peacekeeping efforts there and let me make just a few observations and then I have a few questions.

There has been some improvement, but I am not convinced about the positive outcome in the Congo and I think this is largely going to be a problem, because of the lack of political resolve by the Congolese political actors there and the armed factions and the countless militias.

There are also deep-seated problems with MONUC, which are not confined to the recent sexual abuses by U.N. peacekeepers, including heinous crimes against children.

Those who perpetrated those crimes need to be identified. They need to be stripped of any diplomatic immunity they might claim and they need to be brought to justice.

We have also got to keep in mind that there have been 3.5 million Congolese that have lost their lives. Three and a half million Congolese have died of war-related causes since 1996.

So here is my question: We have got to give MONUC a report card today on the task that it has been charged to carry out. And the questions that must be raised are: How much progress has been made in disarming the combatants, which include thousands of child soldiers? What is the status of efforts to disarm and repatriate the Hutu militia that prey on the Congolese? If voluntary disarmament is not working, what is the alternative? Is the MONUC mandate adequate to the situation on the ground? How is the U.N. going to address the issue of sexual abuses by U.N. peacekeepers and personnel? We have got a lot to say in this.

Also, this hearing is held just 9 days after U.N. peacekeepers from Bangladesh were ambushed in Ituri. I think we may know the faction or the perpetrators, who did this. I would like to see them identified. These are soldiers that came thousands of miles to keep a nonexistent peace. I think we also have to ask who the arms suppliers were and the economic partners involved in supporting this faction that is pillaging the natural resources and financing the ongoing conflict in eastern Congo.

I think we have to ask ourselves one other question. Why wasn't the MONUC, or why isn't the MONUC mandate expanded to include preventing the pillaging of these natural resources, which then goes to fuel and fund this type of exploitation and war?

If you would like to respond to some of those questions, I would appreciate it.

Mr. LYMAN. I apologize. I have to leave and I will leave it to the Assistant Secretary.

Mr. ROYCE. All right, Ambassador Lyman.

Mr. LYMAN. Let me just comment briefly on that question. As I mentioned earlier, we often start these mandates and the size of U.N. forces are smaller than required. We see that in MONUC as it is stepped up, step-by-step, and the mandate has to be expanded.

I don't think it is still at the level and capacity with the mandate to do the things that you have suggested. I think we are dealing, as Jane Lute said, with a huge territory, in a very difficult area.

But some of those responsibilities, I would just say, also fall to the DRC and to the neighboring states and I don't think MONUC alone can do those things, including bringing under control the Interahamwe remnants, et cetera.

I think the mandate, and I said in my written testimony, we should examine the size and mandate of MONUC under these circumstances, but I think the responsibility goes more broadly.

Mr. ROYCE. The lack of political will on the part of the Congolese?

Mr. LYMAN. I apologize to you and to the Committee for having to leave, but thank you so much for having me.

Mr. ROYCE. Thank you, Ambassador Lyman.

Mr. HOLMES. Congressman Royce, may I say a few words to respond to some of the interesting questions that you just raised?

MONUC has reported that 7,072 Rwanda fighters and dependents have been repatriated from the DRC voluntarily as of February 1 and MONUC estimates, though, that 8,000 Rwanda combatants remain in the DRC.

Not all of them are ex-FAR Interahamwe. Most in fact belong to the Democratic Forces for the Liberation of Rwanda, the FDLR.

I think that we all wish there was greater progress being made on disarmament and we know that the mandate is calling for voluntary disarmament.

I think that the challenge here is, how do we push the capabilities and the mandate of MONUC as far as we can, in such a way that does not have the negative effect of keeping the responsibility of the DRC and the regional actors from getting more involved and more engaged, so in particular the DRC and the police forces that are clearly inadequate in the east, don't start stepping forward and taking more responsibility?

We know that there is always a tradeoff in these peacekeeping operations about this kind of problem. If the U.N. were to move too far forward, too aggressively, and to try to take over essentially enforcement mechanisms like the involuntary disarmament of some of these militias, it not only could have unpredictable consequences about some of the reactions from some of the other allied militia groups, but it also would essentially let the DRC off the hook.

When I was in the Congo last October, a constant theme I made, not only when I talked to the MONUC authorities, but also the DRC authorities, is that the international community needs to do a better job supporting the DRC and getting this capacity, not only for police, not only for the Army, but also encouraging and insisting that there is a political will for them to take up more responsibility. That way you might get a better balance in what MONUC is responsible for and what indeed the DRC and some of the neighboring states are responsible for.

Mr. ROYCE. And my last question, if I could, Mr. Chairman, if we could identify the perpetrators or the faction that took out the nine Bangladeshi soldiers 9 days ago?

Mr. HOLMES. Yes. I believe that—just one moment, please.

My colleague from the African Bureau informs me it is the FNI militia.

Mr. ROYCE. Thank you very much. I appreciate it, Secretary Holmes.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. Delahunt?

Mr. DELAHUNT. Thank you, Mr. Chairman.

In your prepared statement, you also said when you were testifying that when you went to the Congo, what struck you was the disconnect between the national military forces there and the ability of the capacity of the United Nations to exercise authority in a command structure.

I think this is really the crux of the problem. I am certainly not conversant with it to the degree that many on this panel are. This is an introductory course for me, if you will.

But it would seem that only through the Security Council and the influence of the P5, and obviously with the leadership from the United States, would an idea such as you have put forth about a memorandum of understanding be accomplished.

What clout, what authority does the United Nations secretariat have, other than reliance on the P5, to create a mechanism so that there is real significant command authority by the United Nations?

Mr. HOLMES. You are absolutely correct that ultimately the Security Council has a responsibility as oversight for these peacekeeping missions. And it is true, as Jane Holl Lute said, that the details of the actual disbursement of funding and the approval of funding is a General Assembly and a Budget Committee responsibility. But you are correct about the necessity that the Security Council and the P5 show leadership in here.

Mr. DELAHUNT. Thank you. Could I—

Mr. HOLMES. Go ahead.

Mr. DELAHUNT. I have limited time here.

Mr. HOLMES. Yes.

Mr. DELAHUNT. In terms of the possibilities, I think the suggestion that you make is a positive one, for the United States to put forth that idea of a memorandum of understanding among other members of the Security Council to achieve a consensus.

Mr. HOLMES. We are in fact doing that. We are circulating a resolution draft in the Security Council, I believe today, that would request, and I read from the resolution:

“Would-be troop-contributing countries to commit in writing to provide training on sexual abuses, to ensure that they commit in writing to swiftly deal with the allegations of sexual abuse and to take steps to ensure further compliance with the zero tolerance policy.”

In other words, we are in fact forwarding a resolution that would enforce these suggestions that I am making.

Mr. DELAHUNT. In terms of enforcement of compliance, what can we do? In other words, if there is a violation, if they agree to do it in writing and yet they violate the memorandum of understanding, what is the recourse that the secretariat or the Security Council can resort to?

Mr. HOLMES. If these rules were in place, if there was a requirement for such a memorandum of understanding, such a country would have to sign it before they sent their troops.

Mr. DELAHUNT. Right.

Mr. HOLMES. Then afterwards, it would be up to the Security Council and also to the DPKO to deal with any allegations that in fact they are not living up to the promises they made.

If, at any given time, a country was to become so egregious in violating their promises in these memorandum of understanding, then I would expect at some point there would be action against that particular country's deployment overall.

Mr. DELAHUNT. But my—

Mr. HOLMES. That would be ultimately the only authority you have other—

Mr. DELAHUNT. That is really the only sanction.

Mr. HOLMES. That would be ultimately the main authority you would have, other than what you would have in terms of personal accountability for any charges against individuals.

Mr. DELAHUNT. Right. The point that the Chairman has made all along, however, is the penalty phase. And I guess what I am hearing, and I applaud the concept, at least it is something that is tangible, but I am certainly not optimistic that the memorandum of understanding would be honored, if you will, would be respected.

What would be the attitude of contributing nations to cede their control and command to well-trained U.N. commanders on the ground? I think what we have here is a command issue.

Mr. HOLMES. Right. We could insist, of course, if there was such a memorandum of understanding that the mission and the DPKO report back to the Security Council on whether or not this memorandum is being followed and so—

Mr. DELAHUNT. But why not go a step further, Mr. Secretary, and just say that in these peacekeeping operations there will be a cadre of officers that are vetted, that are well-trained, that would ensure compliance on the ground in these far away spots and in these dangerous environments? Why not go a little further so as to address the concern about the penalty?

I am concerned about the fact that a national government may be well-intentioned, but will not enforce with an appropriate penalty the kind of conduct that they think we all find unacceptable.

Mr. HOLMES. I think that most of these countries—I would hazard to say all of them—do not like the negative attention that they would get by having their peacekeepers accused of such allegations.

I do think the transparency and shining a light on this does have some value. And what I was getting at in my point about reporting to the Security Council, if you had an agreement, a memorandum of understanding that these countries are supposed to live up to this, and there is a report to the Council, and the Council, who has to roll over these mandates sometimes every 6 months to a year, that each time there would be a renewal of the mandate, there could be a discussion of how well these peacekeeping operations are doing in this particular area and that would give you some political accountability of the Security Council's oversight.

Mr. DELAHUNT. But at the same time, we heard testimony earlier from Ms. Lute that it is not easy, at this point in time, to secure

the kind of contributions from nation states that are willing to make contributions to a peacekeeping operation. I think we have a certain conundrum here.

Mr. HOLMES. That is true. It is not easy, it is a challenge, but thankfully there are enough countries that are not only willing to do it for the good of the U.N., but also for the financial support that they get.

Mr. DELAHUNT. What about the suggestion that you might have heard me raise earlier? I posed the issue of utilizing, in some cases, the most egregious ones, cases involving rape and I can think of several others, that under the definition would constitute a war crime. What about threatening those individuals with a referral to the International Criminal Court?

Mr. HOLMES. Well as you probably know, the Bush Administration is concerned about the jurisdiction of International Criminal Court. We are not a party to the Rome Statute.

Mr. DELAHUNT. Right. We are not a party to it. I am just saying obviously we would not be implicated in it.

Mr. HOLMES. We just think that a more practical way of dealing with this would be to have the countries, the troop-contributing countries themselves, in cooperation with the United Nations, to have some kind of investigative and some kind of a judicial capacity in the country itself.

Mr. DELAHUNT. I think it is going to be really difficult to sell that to nations, to cede their command and their control, and what they would perceive to be their sovereignty. I think we have an International Criminal Court and I understand the Administration's position. We are not implicated. We have very little, in terms of military personnel involved in peacekeeping.

Mr. HOLMES. Thank you.

Mr. SMITH. Dr. Boozman?

Mr. BOOZMAN. Thank you, Mr. Chairman.

Today during the testimony we have heard a lot about sexual abuse and certainly sexual abuse has occurred. The thing I am concerned about, though, is a lot of activity that occurred wasn't sexual abuse, but more perverted child abuse. When you trade sex for a candy bar or food to a starving pre-pubescent kid, again I don't think that is sexual abuse. I think that goes far beyond that and I am a little bit disappointed that we aren't talking in those terms.

The argument that the peacekeepers are under stress and that they are in zones where people are being killed and that for some reason you are going to get a release by taking a 9-year-old, taking pornographic pictures, or trading peanut butter for sex with a young boy or young girl, like I said, I don't buy that argument.

Now the sad thing is that the vast majority of the peacekeepers are good folks and they are serving honorably and they are serving in very difficult situations. But when you have this kind of stuff going on unpunished, you know reported, everybody agrees it is happening, nobody has been charged, nothing is being done, it just doesn't stack up very well.

The question I would have is, What countries have the most allegations against them?

Mr. HOLMES. There are two countries that have been mentioned publicly already in the press. They have already been mentioned

here today. Morocco is one of them. But Morocco has taken steps in not only removing the two unit commanders that were responsible, but also six of the troops also have been removed as well, and they are going to follow-up with prosecutions.

There is the case of the one civilian that was referred to in the 20/20 television news coverage about the one French civilian who was working in the area of Bunia.

I think though, if I may agree with you wholeheartedly, that is a very important distinction. We should not look at pedophilia as anything other than a crime. It should not be put in the same category of, as you rightly said, simply expressing oneself. And I think that is the way it needs to be handled and should be handled—as a crime. And it should certainly be taken a lot more seriously than it has been.

Mr. BOOZMAN. We have talked about a couple of things. Would you include any other countries, besides those two? I mean those are the ones we have talked about, but those are in different areas of the world. We are talking about the Congo. Where else is this going on? In what other countries?

Mr. HOLMES. Well, I can refer to some other operations in the United Nations, where you have some related cases in U.N. peace-keeping missions. There are in Haiti, three instances or three civilian police and one civilian.

In Sierra Leone, there is one civilian case. In Burundi, there is a case of two military, two troopers and one civilian. And in 2001, there was the case in East Timor of two civilian civ pols. And there is of course from the past—we know about a number of instances in Bosnia and Kosovo that occurred some years back.

You are right. The Congo is not the only place where this is happening. It is the place we think, at least to what we know, where it seems to be the most serious at this point, because of the unique circumstances there.

Mr. BOOZMAN. Why don't we hear more outrage about this?

Mr. HOLMES. From whom?

Mr. BOOZMAN. Well just from whomever. Like I say, from the international community. I just came back from a NATO conference that was in London and they are in national mourning almost over the fact that they had a couple of soldiers that were implicated in Iraq as far as going too far with different areas of interrogation, and the British are very ashamed of that.

Like I say, unless you see a 20/20 deal or 60 Minutes or whatever, this is not something that is really being talked about very much.

Now you give us the statistics of the ones that are being prosecuted, but I would think, and you will have to correct me, but I would say a lot of this stuff is going on. It is not reported. It is not in a statistic.

At some point, maybe you could share with us how much actually is going on—not the civilian that was caught or this or that—but the real degree of this that is going on.

Mr. HOLMES. I have shared with you what I know. If I learn anything more, I will certainly share it with you. I think it is probably safe to say there is more than I know. I think that is a pretty safe assumption. More than probably—

Mr. BOOZMAN. Is it a significant problem?

Mr. HOLMES. Yes, it is. It is a very serious problem.

Mr. BOOZMAN. Like I say, the question was, and again I am not beating you up, I understand the situation you are in. I guess I am thinking out loud, because it truly is, to treat a starving child in that manner, again, that is not sexual abuse. That is far beyond that. It is sad that the outrage comes from a documentary program on television. Thank you.

Mr. HOLMES. Mr. Boozman, thank you for that. I have had the opportunity, over the last couple of months, in many meetings with foreign diplomats to talk about this issue and I raise it as often as I can. And we have actually approached some specific countries who have come under a shadow and are the object of some of these charges to try to impress upon them how serious this matter is. So we have done this. We have done this diplomatically. We haven't done it in public, but we have done it very seriously.

This is a problem that is frankly not only a stain on the reputation of the United Nations. It also could very well endanger the real work that the United Nations peacekeeping operations really need to undertake.

We are aware of that. I believe the leadership of the United Nations is aware of that. I think that is one of the reasons why you saw the cooperation from the U.N. secretariat of having Jane Holl Lute here.

We welcome that. We think that there needs to be more interaction between the Congress and the United Nations leadership. But this is indeed a very serious problem and I commend you, all of you, for raising this issue and giving us the opportunity to try to tell you how we are dealing with it.

As I said, we became aware of this problem, how serious it may be, probably last spring and as soon as the evidence started coming out, we knew we had a serious problem. We started working on it and I think we briefed some of your staff. I believe in June was the first time that we came up here and told you about what we knew.

So we want to continue that kind of cooperation so we can get ideas from you and get ideas from others and try to solve it.

Mr. SMITH. Thank you very much, Dr. Boozman.

Just let me follow-up on something Dr. Boozman said about the outrage. I just returned back from Vienna, where I was at a Parliamentary Assembly—55 countries that make up the OSCE, and I serve as the Special Representative for Trafficking for that organization. We had a forum. I spoke about trafficking within the OSCE countries and then talked about Congo and other peacekeeping and invited parliamentarians, in their own respective Congresses and Parliaments, including the Duma speaker who was there and others, to take this up in their own countries, to bring some pressure to bear on the U.N.

I didn't get a single question. So when the gentleman mentions lack of outrage, it seems to be sporadic, comes in fits and pauses and there should be a more sustainable sense.

Maybe it is fatigue, compassion fatigue or something, but I was surprised after going through a very lengthy comment period that there wasn't a single question. And I followed up later asking indi-

vidual heads of delegation, "I am head of delegation, what will you do vis-a-vis Congo, since it is the largest peacekeeping deployment?" You know I didn't get very much. I got zero feedback.

The outrage issue I think is a real one. *20/20* did do I think, a very good expose, but that is just one of many that need to be done on this.

Mr. HOLMES. I think, Mr. Chairman, this links into the issue of the United Nations reform and this is the way. We should see this as part of a larger effort that needs to be undertaken to make the United Nations more accountable, more efficient and more effective at what it does.

I mean we should concentrate on the details of solving this particular problem, but we also should see it in a larger context.

Last week I was in Geneva and I chaired a meeting at the United States mission where I invited my counterparts from 12 other countries, most of them were Europeans, but the Australians and the Japanese were there.

Between all of us sitting around the table, we accounted for over 80 percent of the financial contributions to the United Nations, when you add all of us up.

The purpose of the meeting was to talk about U.N. reform, the management reform, administrative reform, structural reform, because as you know there is a huge debate and a discussion going on, on how to reform the U.N., not only in New York, but certainly here in the Congress.

So I used that opportunity, as I was making my opening statement, I said, "Please, I implore all of you, when we, the United States, raise such issues as sexual exploitation and other crimes that are committed by U.N. peacekeepers, please understand that this should not be just a U.S. concern."

Very often their attitude is that it is the Americans complaining about the United Nations yet again and they have a tendency to look the other way. And I was trying to insist that if they wanted the United Nations to have a better reputation, that they want to be reformed, that they should not look askance at these kinds of issues. That they should see it as part of the overall U.N. reform effort.

I did that quite consciously, because of the tendency for some of these countries not to take this issue as seriously as they should. And I can't say I got the kind of enthusiastic response that I would hope for, as you did not get, Mr. Chairman.

But it is something that I think all of us should do, when we are talking to our friends and colleagues overseas. If they are interested in the U.N., they should not ignore this issue. It should be just as important to them as it is to us.

Mr. SMITH. I appreciate that. Let me just make two very brief comments, questions. Assistant Secretary Lute obviously is professional. She is highly motivated. I think she made a very persuasive case today and you know she does back it up with the good work that she does.

It seems to me that the problem isn't at her level. It very often is at a higher level. She herself mentioned the famous Dallaire memo or fax that went unheeded by the then-Under-Secretary Kofi Annan.

My good friend and colleague, Mr. Payne, will remember I held a series of hearings at that time, because I chaired the International Operations and Human Rights Subcommittee for 6 years and we heard from numerous individuals about what could have been avoided, had there been attention at the highest levels at the U.N. The general got it. He thought that they could mitigate a mushrooming killing field, which did play out, but it was completely ignored. And it seems to me that there may be a focus now, but will the people at the very top get it that there has to be systemic reform and it just has to be ongoing?

It cannot be for the next 6 months we are Johnny On The Spot and then all of a sudden, you know, we go back into hibernation.

The second thing is, there is a Reuter's report out that William Lacy Swing will be in New York on Thursday and the speculation is that he may tender his resignation to Kofi Annan.

In your view, is that possible? Is it probable?, I should say. Is it advisable? What could be done at that level, at the mission level to really beef up the effort?

I watched that 20/20 piece myself. He said the right things about zero tolerance, but zero tolerance with zero compliance, as you said in your own testimony, is an oxymoron.

Mr. HOLMES. It is my understanding, I have heard the same thing, that SRSG's William Swing is coming to the United States sometime this week, and I understand that there will be some discussions that may involve the turnover to new leadership.

I am not cognizant of any more particular facts about that. It is something that we certainly would be watching very closely.

But to answer your first question, I think that I have the impression that Secretary-General Kofi Annan has, in fact, gotten the message that something needs to be done very seriously about the U.N.

This is demonstrated not only in the fact that he has been changing his senior leadership over the last few weeks, he has a new chief of staff who has been down here talking to many of you, many of the people that were formerly in the leadership are leaving. I think the fact that the Secretary-General is so keenly interested in United Nations reform also shows that he thinks that something needs to be done to improve the reputation, effectiveness and efficiency of this institution.

I think he does get it. I think that the fact that, as I said a minute ago from my conversations with the Under-Secretary for Peacekeeping and also with Jane and others, they did not move as fast as we would like them to move.

They required perhaps more prodding than we wished was required. We wished that there had been an anticipation of the likelihood of this problem emerging earlier, so there would have been systems in place that would have prevented it. But now we have got to deal with what we have got and now we have got to move forward.

At this point, I think that the attitude I have seen is encouraging. I think though that they need to take it to the next step. People really do need to be held accountable. They need to be taken off the payroll, for example, if there is a reasonable degree of understanding that, in fact, they may have committed some crimes.

I think we need to take it to the next level and I am encouraged that they seem to understand that, but we must keep up this dialogue.

Mr. PAYNE. I just wanted to make two quick statements. Number one, I think it was brought out clearly by Ms. Lute that a number of these operations start out without adequate numbers.

We saw in Sierra Leone that the U.N. sent 50 peacekeepers once up to a place where the RUF was mining diamonds and before they knew it, they had taken their weapons and their uniforms and sent them back to Freetown.

I mean to send 50 people up to a place where the RUF, who had been playing havoc on the Nigerian Army, made no sense and so it seems like we could learn from some of those.

Even MONUC was not robust enough and Haiti, there really are not enough. In Darfur with AU stumbling around with 2,000 people. They should have 20,000.

However, once again it comes to the question of we have to figure out a better way to get the required amount of peacekeepers that we need and those that are qualified and competent.

The other thing, too, I think that Dr. Boozman was asking, How can all this happen and we don't hear about it? I think we just have to really come to grips with the fact that when Chairman Smith started dealing with this sex slavery, it was mainly Eastern European, the old former Communist countries, the Russians and Belarus and no one really cared, it seemed to me, that much.

They were, you know, from over there, if it was happening. You know like in England or France, if they were French women or English women, it would be totally different, but they were Eastern European and it seems to me that the value of what is happening to them sort of doesn't make the level as if they were taken out of Western Europe or the United States and the same thing was happening.

That is really what happens in Africa that, you know, things that happen to Africa just say, well you know, that is Africa. Well, they have had problems all along and it is too bad, but you know how that place is.

I think that once again and I know, Secretary Holmes, you are working to try to say that a child abused anywhere is a child abused and that we have to stop looking at a child over here, well it is a tough place anyway and it may not be as bad as if the same thing was happening in New York City by the military.

So I think that we have got to raise a worldwide concern about everybody being made in the image and likeness of God, and that they are all endowed by the Creator with certain feelings and inalienable rights, and until we can look at a global situation and have everyone feel—one of the problems with Rwanda was well, the United States was behind in its dues and, you know, probably someone said, "Well, geez, we are going to get involved with another big peacekeeping operation, you know, without paying the dues now." And probably the U.N. said, "Where are we going to get the money to pay these peacekeepers?"

I wasn't there, but I imagine these were some of the thoughts that went through and as a result, the General is calling for a

small group and we are saying, well we can't. The U.N. is broke. It is not going to be able to do it.

As a result, we have between 800,000 and a million people, where many of it could have been prevented. We do have to take a look at the world and somehow look at it as one global village and everybody is respected the same way, whether it is over there or over here.

Thank you, Mr. Chairman.

Mr. SMITH. Secretary Holmes, thank you so much for your testimony, for your extraordinary leadership and I look forward to working with you as we go forward. Thank you also for your patience.

Mr. HOLMES. Thank you, Mr. Chairman. Thank you, Mr. Payne.

Mr. SMITH. I would like to invite our third panel to the witness table, beginning with Dr. Nile Gardiner, who is a Fellow in Anglo-American Security Policy at the Heritage Foundation.

His key areas of specialization include Anglo-U.S. Special Relationship, the U.N. post-war Iraq, the role of Great Britain in the United States-led alliance against international terrorism and rogue states.

As a leading authority in transatlantic relations, Dr. Gardiner has advised the Executive Branch of the U.S. Government on a range of key issues, from the role of international allies in post-war Iraq to United States-British leadership in the war on terror.

Prior to joining Heritage, Dr. Gardiner was Foreign Policy Researcher for Former British Prime Minister Margaret Thatcher. Working in her private office, Dr. Gardiner assisted Lady Thatcher with her latest book, *Statecraft: Strategies for a Changing World*, published by HarperCollins. He served as an aide to Lady Thatcher from 2000 to 2002 and advised her on a number of international policy issues.

Dr. Gardiner received his Ph.D. in History from Yale University in 1998 and was awarded several academic scholarships, including International Security Studies, Smith Richardson Foundation Fellowship and David Gimbel Fellowship. In addition, Dr. Gardiner has two Masters Degrees from Yale and a B.A. in Modern History from Oxford University. He has a broad range of international experience. He has lived in four continents: Europe, Africa, Asia and North America.

We will then hear from Anneke Van Woudenberg, who joined Human Rights Watch in 2002, as a Senior Researcher on the Democratic Republic of Congo. Since 1999, Ms. Van Woudenberg has focused on humanitarian and human rights issues in the DRC, working as the Country Director for Oxfam GB during the height of the war.

She has provided regular briefings on the situation in the DRC to the U.N. Security Council, the European Union Development Committee, the British Parliament and the European Parliament. Ms. Van Woudenberg has written numerous reports and briefing notes on human rights concerning the DRC and is a regular commentator in the international press.

Previously she worked for 6 years in the private sector for a large multinational bank and Andersen Consulting. She has a Mas-

ters Degree in International Relations from the London School of Economics.

Doctor, if you could begin.

STATEMENT OF NILE GARDINER, PH.D., FELLOW IN ANGLO-AMERICAN SECURITY POLICY, THE HERITAGE FOUNDATION

Mr. GARDINER. Chairman Smith, Ranking Member Payne and distinguished Members of the Subcommittee on Africa, Global Human Rights and International Operations, thank you for holding today's hearing on a very important issue, widespread abuse carried out by United Nations personnel against refugees in the Democratic Republic of Congo and its implication of U.N. peacekeeping reform.

This hearing will undoubtedly shine a much needed spotlight on a major scandal in the heart of the Africa, which has, until now, received relatively little attention from Congress and the world's media.

In the Congo, barbaric acts of exploitation have been perpetrated by United Nations' peacekeepers and civilian personnel against some of the weakest and most vulnerable women and children in the world, the very people they have been sent to protect.

Congress has a vital role to play in helping to ensure that these offenses are not swept under the carpet and that those responsible are brought to justice.

It is my hope also that this hearing will help prevent abuses of this nature from occurring again in current and future U.N. peacekeeping operations.

Personnel from the U.N. mission in the Democratic Republic of the Congo, the world's second biggest U.N. peacekeeping mission, stand accused of at least 150 major human rights violations. This is almost certainly just the tip of the iceberg and the scale of the problem is likely to be far greater.

The crimes involve rape and forced prostitution of women and young girls across the country, including inside a refugee camp in the town of Bunya, in northeastern Congo.

The alleged perpetrators include U.N. military and civilian personnel from Nepal, Morocco, Tunisia, Uruguay, South Africa, Pakistan and France. The victims are defenseless refugees, many of them children, who have already been brutalized and terrorized by years of war and who look to the U.N. for safety and protection.

This scandal raises serious questions about U.N. oversight of its peacekeeping operations and the culture of secrecy and lack of accountability that pervade the U.N. system. The fact that abuses of this scale are taking place under U.N. supervision is astonishing.

There are also major doubts surrounding the effectiveness and scope of the U.N.'s own internal investigation into the Congo scandal, conducted by the Office of Internal Oversight Services, headed by Under-Secretary-General Dileep Nair.

The Congo abuse scandal is the latest in a string of scandals that have hit U.N. peacekeeping operations across the world. Allegations of sexual abuse or misconduct by U.N. personnel stretch back at least a decade to operations in Kosovo, Sierra Leone, Liberia, Burundi and Guinea.

I would like to make the following recommendations to the Congress and Executive Branch of the United States Government.

It is my view that the United States should call for a Security Council-backed, fully independent investigation into the MONUC abuse scandal to cover all areas of the MONUC operation. In addition, there should be independent investigations launched into allegations of abuse by U.N. personnel in other U.N. peacekeeping operations. Fully independent commissions of inquiry should handle all future investigations into human rights abuses by U.N. personnel.

The continuing pattern of abuse that blights U.N. peacekeeping missions across the world demonstrates clearly that the United Nations lacks both the political will and the capability to effectively oversee its own operations.

An external oversight body, completely independent of the U.N. but authorized by the Security Council, should be established to act as a watchdog over U.N. operations, including humanitarian programs and peacekeeping missions.

At the same time, the United States should set up its own U.N. oversight unit, answerable to Congress, specifically charged with monitoring the use of the American contributions to United Nations peacekeeping and to humanitarian operations. U.N. peacekeeping operations paid for with U.S. public funds should be accountable to American taxpayers, who expect U.N. officials and peacekeepers to conduct themselves with honor and integrity.

The United States is the world's biggest contributor to U.N. peacekeeping, contributing 27 percent of the total worldwide peacekeeping budget. The United States is also the largest contributor to the U.N. operation in the Congo, providing about a third of its operating budget of \$746 million. If 2005 figures are included, the U.S. will have contributed roughly three-quarters of a billion dollars toward MONUC since 2000.

Congress should make it clear to the United Nations that continued robust U.S. funding of U.N. peacekeeping will be contingent upon the elimination of all forms of abuse within its peacekeeping operations.

The United States Government should also pressure U.N. member states to prosecute their own nationals accused of human rights violations, while serving as U.N. peacekeepers.

The Security Council should exclude countries whose peacekeepers have a history of human rights violations from future operations and the U.N. should publicly name and shame those countries whose peacekeepers have carried out abuses in the Congo. The U.N. should also lift diplomatic immunity for its civilian staff accused of criminal acts in the Congo and elsewhere, opening the way for prosecution.

To conclude, the Congo episode has further undermined the credibility of the United Nations and raises serious questions regarding the effectiveness of the U.N.'s leadership.

The U.N. has consistently failed to publicize, prevent and punish the criminal behavior of its own personnel in trouble spots across the world. The sexual abuse scandal in the Congo makes a mockery of the U.N.'s professed commitment to upholding basic human rights.

U.N. peacekeepers and civilian personnel who work with them should be symbols of the international communities' commitment to protecting the weak and innocent in times of war. The exploitation of some of the most vulnerable people in the world, refugees in a war-ravaged country, is a shameful episode, a betrayal of trust that will haunt the United Nations for years to come.

Chairman Smith, Ranking Member Payne and distinguished Members of the Subcommittee, once again thank you for allowing me to testify today. This is an important hearing on a serious issues.

It is imperative that we do the right thing for the victimized women and children of the Congo by doing all we can to ensure that justice is served and that such exploitation is never repeated in a U.N. peacekeeping operation.

Thank you.

[The prepared statement of Dr. Gardiner follows:]

PREPARED STATEMENT OF NILE GARDINER¹, PH.D., FELLOW IN ANGLO-AMERICAN SECURITY POLICY, THE HERITAGE FOUNDATION²

Mr. Chairman, and distinguished Members of the House International Relations Subcommittee on Africa, Global Human Rights and International Operations. Thank you for holding today's hearing on an extremely important issue: widespread abuses carried out by United Nations personnel against refugees in the Democratic Republic of Congo, and implications for U.N. peacekeeping reform.

This hearing will undoubtedly shine a huge spotlight on a major scandal in the heart of Africa, which has until now received relatively little attention from Congress and the world's media. In the Congo, acts of great evil and barbarism have been perpetrated by United Nations peacekeepers and civilian personnel entrusted with protecting some of the weakest and most vulnerable women and children in the world. Congress has a vital role to play in helping ensure that those responsible are brought to justice. It is my hope also that this hearing will help prevent abuses on this scale from ever occurring again in current and future U.N. peacekeeping operations.

Personnel from the U.N. Mission in the Democratic Republic of the Congo stand accused of at least 150 major human rights violations.³ This is almost certainly just the tip of the iceberg, and the scale of the problem is likely to be far greater.

The crimes involve rape and forced prostitution of women and young girls across the country, including inside a refugee camp in the town of Bunia, in northeastern Congo. The alleged perpetrators include U.N. military and civilian personnel from Nepal, Morocco, Tunisia, Uruguay, South Africa, Pakistan, and France. The victims are defenseless refugees, many of them children, who have already been brutalized and terrorized by years of war and who looked to the U.N. for safety and protection. The U.S. Congress should act to ensure that the U.N. personnel involved are brought to justice and that such barbaric abuses are never repeated.

U.N. Secretary-General Kofi Annan has acknowledged that "acts of gross misconduct have taken place."⁴ A draft United Nations report has described sexual ex-

¹The author is grateful to Joseph Loconte, William E. Simon Fellow in Religion and a Free Society, at the Heritage Foundation, for his advice and suggestions. Heritage Foundation foreign policy intern Nicole Collins assisted with research for this testimony.

²The Heritage Foundation is a public policy, research, and educational organization operating under Section 501(C)(3). It is privately supported, and receives no funds from any government at any level, nor does it perform any government or other contract work. Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed are their own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

³For background, see Kate Holt and Sarah Hughes, "Sex and the U.N.: When Peacekeepers Become Predators," *The Independent*, January 11, 2005; Jonathan Clayton and James Bone, "Sex Scandal in Congo Threatens to Engulf U.N.'s Peacekeepers," *The Times*, December 23, 2004; and Marc Lacey, "In Congo War, Even Peacekeepers Add to Horror," *The New York Times*, December 18, 2004.

⁴"Annan Vows to End Sex Abuse Committed by U.N. Mission Staff in DR of Congo," U.N. News Center, November 19, 2004.

plotation by U.N. personnel in the Congo as “significant, widespread and ongoing.”⁵ In the words of William Lacy Swing, Annan’s special representative to the Congo, “We are shocked by it, we’re outraged, we’re sickened by it. Peacekeepers who have been sworn to assist those in need, particularly those who have been victims of sexual violence, instead have caused grievous harm.”⁶

This scandal raises serious questions about U.N. oversight of its peacekeeping operations and the culture of secrecy and lack of accountability that pervade the U.N. system. The fact that abuses of this scale are taking place under U.N. supervision is astonishing, and it is inconceivable that officials in New York were unaware of the magnitude of the problem at an early stage.

There are major doubts surrounding the effectiveness and scope of the U.N.’s own internal investigation into the Congo scandal, conducted by the Office of Internal Oversight Services, headed by Under Secretary General Dileep Nair.⁷ A confidential U.N. report obtained by *The Washington Post* revealed that “U.N. peacekeepers threatened U.N. investigators investigating allegations of sexual misconduct in Congo and sought to bribe witnesses to change incriminating testimony.”⁸ According to the *Post*, the report also cites instances where peacekeepers from Morocco, Pakistan, and possibly Tunisia “were reported to have paid, or attempted to pay witnesses to change their testimony.”

The Congo abuse scandal is the latest in a string of scandals that have hit U.N. peacekeeping operations across the world. Indeed, it appears that U.N. peacekeeping missions frequently create a predatory sexual culture, with refugees the victims of U.N. staff who demand sexual favors in exchange for food, and U.N. troops who rape women at gunpoint. Allegations of sexual abuse or misconduct by U.N. personnel stretch back at least a decade, to operations in Kosovo, Sierra Leone, Liberia, and Guinea. Despite previous U.N. investigations, and Kofi Annan’s declaration of a policy of “zero tolerance” toward such conduct, little appears to have changed in the field.⁹

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

Established in 1999, MONUC is currently authorized by Security Council Resolution 1493. It is the world’s second biggest U.N. peacekeeping mission, with a total of 13,950 uniformed personnel, including 13,206 troops, 569 military observers and 175 civilian police. In addition, there are 735 international civilian personnel and 1,140 local civilian staff. 47 U.N. member states have contributed military personnel, and 20 countries have contributed civilian police personnel toward MONUC.¹⁰ The MONUC Force Commander is Major-General Samaila Iliya of Nigeria.

The biggest peacekeeping contingents (based on September 2004 figures) are from Uruguay, (1,778 soldiers), Pakistan (1,700), South Africa (1,387), Bangladesh (1,304), India (1,302), Nepal (1,225), and Morocco (801).¹¹ There are no U.S. personnel serving as peacekeepers or military observers with MONUC.

U.S. Funding of MONUC

An issue of great concern to Congress should be the scale of U.S. funding for the Congo operation. U.N. peacekeeping operations paid for with U.S. public funds should be accountable to American taxpayers, who expect U.N. officials and peacekeepers to conduct themselves with honor and integrity.

The United States and is the biggest financial contributor to MONUC, providing about a third of its operating budget of \$746 million. The U.S. contribution to the U.N. peacekeeping mission in the Congo has been substantial. If 2005 figures are included, the U.S. will have contributed roughly three quarters of a billion dollars

⁵ Colum Lynch, “U.N. Sexual Abuse Alleged in Congo; Peacekeepers Accused in Draft Report,” *The Washington Post*, December 16, 2004.

⁶ “U.N. Outraged by Sex Abuse,” CNN.com, January 10, 2005.

⁷ *Investigation by the Office of Internal Oversight Services into Allegations of Sexual Exploitation and Abuse in the United Nations Organization Mission in the Democratic Republic of the Congo*, January 5, 2005, at <http://www.monuc.org/downloads/0520055E.pdf>

⁸ Colum Lynch, “U.N. Sexual Abuse Alleged in Congo; Peacekeepers Accused in Draft Report,” *The Washington Post*, December 16, 2004.

⁹ For further background, see Joseph Loconte, “The U.N. Sex Scandal,” *The Weekly Standard*, January 3/10, 2005; Kate Holt and Sarah Hughes, “Sex and Death in the Heart of Africa,” *The Independent*, May 25, 2004; and Michael J. Jordan, “Sex Charges Haunt U.N. Forces,” *The Christian Science Monitor*, November 26, 2004.

¹⁰ MONUC, “Facts and Figures”, January 31, 2005, at <http://www.un.org/Depts/dpko/misions/monuc/facts.html>

¹¹ MONUC, “Military Contributions,” September 12, 2004, at <http://www.monuc.org/ContribMil.asp?lang=en>.

(\$759 million) toward MONUC since 2000, according to State Department figures. The U.S. is expected to contribute \$249 million toward MONUC in FY 2005, and \$207 million in FY 2006.¹²

U.S. Funding for Worldwide UN Peacekeeping Activities

The United States is the world's biggest contributor to U.N. peacekeeping operations, contributing 27 percent of the total worldwide U.N. peacekeeping budget. The U.S. is expected to contribute over \$1 billion toward U.N. peacekeeping activities across the world in FY 2006.

Over the past decade the United States has made a huge contribution toward U.N. peacekeeping operations. Since 2001, including 2005 figures, the United States will have contributed \$3.59 billion toward U.N. international peacekeeping operations.¹³

According to the General Accountability Office (GAO), the United States gave the U.N. \$3.45 billion in direct contributions to conduct peacekeeping operations between 1996 and 2001.¹⁴ This figure is dwarfed by the estimated \$24.2 billion in indirect contributions made by the US to help support 33 U.N. peacekeeping operations in 28 countries during that five-year period.¹⁵

There are currently 428 U.S. personnel serving in U.N. peacekeeping operations across the world, in the Middle East, Kosovo, Georgia, East Timor, Liberia, Ethiopia and Eritrea, and Haiti. They are overwhelmingly civilian police, including 309 serving with the United Nations Mission in Kosovo (UNMIK). There are only 6 American troops under U.N. command (three in Haiti and three in Liberia).¹⁶

Questions for Congress

There are many key questions that arise from the scandal and which merit congressional scrutiny:

- Why has the U.N. failed to effectively prevent abuse by its personnel given its tarnished record in previous peacekeeping operations?
- Why did the U.N. take six months to release its own internal report on the Congo abuse scandal?
- To what extent were the U.N. Secretary-General and other senior U.N. officials aware of the abuses by U.N. personnel in the Congo before media reports began to surface?
- Can the U.N. be relied upon to objectively conduct its own investigations into allegations against its peacekeepers and civilian staff?
- How can U.N. peacekeepers and civilian personnel accused of human rights abuses be prosecuted for their crimes?
- What measures can be implemented to ensure that future U.N. peacekeeping operations are transparent, accountable, and run in accordance with the Universal Declaration of Human Rights? What mechanisms should be put in place to ensure external oversight of U.N. operations?
- What impact should the Congo scandal have on future U.S. contributions to the U.N. peacekeeping budget?

Key Recommendations for Congress and the United States Government

- The United States should call for a Security Council-backed fully independent investigation into the MONUC abuse scandal, to cover all areas of the MONUC operation. In addition there should be independent investigations launched into allegations of abuse by U.N. personnel in other U.N. peacekeeping operations, including Kosovo, Sierra Leone, Liberia and Burundi.

¹² See U.S. Department of State, "Account Tables," at <http://www.state.gov/m/rm/rls/iab/2003/7809.htm>; U.S. Department of State, "The Budget in Brief: Fiscal Year 2006 Budget Request," February 7, 2004, at <http://www.state.gov/documents/organization/41676.pdf>; and U.S. Department of State, "UN Mission in the Democratic Republic of the Congo (MONUC)," April 12, 2001, at <http://www.state.gov/p/io/fs/2001/2512.htm>.

¹³ Based on State Department figures.

¹⁴ *UN Peacekeeping: Estimated US Contributions, Fiscal Years 1996-2001*, General Accountability Office (GAO), February 2002, at <http://www.gao.gov/new.items/d02294.pdf>

¹⁵ *Ibid.* The GAO defines indirect contributions as "US programs and activities that are located in the same area as an ongoing UN peacekeeping operation, have objectives that help the peacekeeping operation achieve its mandated objectives, and are not an official part of the UN operation."

¹⁶ UN figures. See also Marjorie Ann Browne, "United Nations Peacekeeping: Issues for Congress", Congressional Research Service, January 11, 2005, at <http://www.usembassy.it/pdf/other/IB90103.pdf>

- The United States Government should pressure U.N. member states to prosecute their nationals accused of human rights violations while serving as U.N. peacekeepers.
- The U.N. should lift diplomatic immunity for its own staff accused of criminal acts in the Congo, opening the way for prosecution.
- The Security Council should exclude countries whose peacekeepers have a history of human rights violations from future operations. The U.N. should publicly name and shame those countries whose peacekeepers have carried out abuses in the Congo.
- The U.N. should make publicly available all internal reports relating to the Congo scandal, and outline the exact steps it plans to take to prevent the sexual exploitation of refugees in both existing and future U.N. peacekeeping operations.
- Fully independent commissions of inquiry should handle all future investigations into human rights abuses by U.N. personnel.
- An external oversight body, completely independent of the U.N. bureaucracy and staffed by non-U.N. officials, but backed by a Security Council mandate, should be established to act as a watchdog over U.N. operations, including humanitarian programs and peacekeeping operations.
- The United States should also set up its own U.N. oversight unit, answerable to Congress, specifically charged with monitoring the use of American contributions to United Nations peacekeeping and humanitarian operations. This could be funded by diverting part of the annual U.S. assessed contribution for the United Nations.
- Congress should withhold a percentage of the U.S. contribution to U.N. peacekeeping operations unless U.N. personnel responsible for criminal activity are brought to justice.
- Serious consideration should be given to the establishment of an elite training academy for U.N. peacekeeping commanders, backed by the Security Council.

Conclusion

The Congo episode has further undermined the credibility of the United Nations and raises serious questions regarding the effectiveness of the U.N.'s leadership and the U.N.'s Office of Internal Oversight Services. The U.N. has consistently failed to publicize, prevent and punish the criminal behavior of its own personnel in trouble spots across the world.

The sexual abuse scandal in the Congo makes a mockery of the U.N.'s professed commitment to uphold basic human rights. U.N. peacekeepers and the civilian personnel who work with them should be symbols of the international community's commitment to protecting the weak and innocent in times of war. The exploitation of some of the most vulnerable people in the world—refugees in a war-ravaged country—is a shameful episode, a betrayal of trust, that will haunt the United Nations for years to come.

Appendix 1—MONUC Military Contributions

As of 09/12/2004

Country	Pays	Milobs	Contingent	Totals
Algeria	Algerie	11	0	11
Bangladesh	Bangladesh	23	1304	1327
Belgium	Belgique	5	0	5
Benin	Bénin	13	0	13
Bolivia	Bolivie	7	202	209
Bosnia	Bosnie	5	0	5
Burkina Faso	Burkina Faso	12	0	12
Cameroon	Cameroon	5	0	5

Appendix 1—MONUC Military Contributions—Continued

As of 09/12/2004

Country	Pays	Milobs	Contingent	Totals
Canada	Canada	8	0	8
Chile	Chili	0	0	0
China	Chine	12	218	230
Czech Republic	République Tchèque	3	0	3
Denmark	Danmark	2	0	2
Egypt	Égypte	28	0	28
France	France	5	3	8
Ghana	Ghana	21	460	481
India	Inde	46	1302	1348
Indonesia	Indonésie	13	175	188
Ireland	Irlande	3	0	3
Jordan	Jordanie	30	0	30
Kenya	Kenya	37	6	43
Malawi	Malawi	21	0	21
Malaysia	Malaysiaie	20	0	20
Mali	Mali	23	0	23
Marocco	Maroc	2	801	803
Mongolia	Mongolie	2	0	2
Mozambique	Mozambique	2	0	2
Nepal	Népal	21	1225	1246
Niger	Niger	18	0	18
Nigeria	Nigeria	37	0	37
Pakistan	Pakistan	38	1701	1739
Paraguay	Paraguay	18	0	18
Peru	Péru	5	0	5
Poland	Pologne	3	0	3
Romania	Romanie	27	0	27
Russia	Russie	27	0	27
Senegal	Sénégal	20	459	479
Serbia	Serbie	0	6	6
South Africa	Afrique du Sud	13	1387	1400
Spain	Espagne	2	0	2

Appendix 1—MONUC Military Contributions—Continued

As of 09/12/2004

Country	Pays	Milobs	Contingent	Totals
Sri Lanka	Sri Lanka	2	0	2
Sweden	Suède	6	0	6
Switzerland	Suisse	3	0	3
Tunisia	Tunisie	32	464	496
UK	Angleterre	5	0	5
Ukraine	Ukraine	16	0	16
Uruguay	Uruguay	49	1778	1827
Zambia	Zambie	24	0	24
		725	11491	12216

Source: MONUC Website, at <http://www.monuc.org/ContribMilit.aspx?lang=en>

Appendix 2

MONUC's Mandate & Resolutions

MONUC's mandate is defined by the Security Council's resolutions. The current mandate is mostly provided by *Resolution 1493*, dated 28 July 2003, whereby the Security Council, acting under the Chapter VII of the United Nations Charter, authorized the increase of MONUC's military strength to 10,800.

According to this resolution the Security Council:

- Requests MONUC, which convenes the International Committee in support of the Transition, to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo and to facilitate coordination with other national and international participants in support of the transition;
- Encourages MONUC, in coordination with other United Nations agencies, donors and non-governmental organizations, to provide assistance during the transition period for the reform of security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections throughout the territory of the Democratic Republic of the Congo;
- Authorizes MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants who may voluntarily decide to enter the disarmament, demobilization and reintegration (DDR) process within the framework of the Multi-Country Demobilization and Reintegration Program (MDRP), pending the establishment of a national DDR program in coordination with the United Nations Development Program and other concerned agencies;
- Authorizes MONUC to take the necessary measures, in the areas of deployment of its armed units, to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of its personnel, in particular those engaged in missions of observation, verification and DDRRR; to protect civilians and humanitarian workers under imminent threat of physical violence; and to contribute to the improvement of the security conditions in which humanitarian assistance is provided;

*In order to fulfill its mandate, the Security Council authorizes MONUC to use all means in Ituri district, and as deemed necessary and within the limits of its capacities, in the Kivu's. This is the Chapter VII of the United Nations Charter.

Source: MONUC Website, at <http://www.monuc.org/MandateEn.aspx>

Appendix 3—Top Contributors to UN Worldwide Peacekeeping Missions

Country	Personnel
1. Pakistan	8,183
2. Bangladesh	7,942
3. India	5,154
4. Nepal	3,453
5. Ethiopia	3,428
6. Ghana	3,335
7. Jordan	2,929
8. Nigeria	2,884
9. Uruguay	2,497
10. South Africa	2,317
11. Morocco	1,704
12. Kenya	1,675
13. Senegal	1,575
14. Brazil	1,367
15. Ukraine	1,204
16. China	1,038
17. Argentina	1,006
18. Namibia	886
19. Sri Lanka	778
20. Poland	724
21. France	606
22. Chile	582
23. Tunisia	523
24. Ireland	476
25. Niger	468
26. Philippines	455
27. United Kingdom	431
28. United States	428
29. Austria	417
30. Benin	411
31. Russia	363
32. Togo	323
33. Canada	314
34. Sweden	303
35. Germany	296
36. Turkey	293
37. Spain	260
38. Romania	239
39. Bolivia	231
40. Peru	226

Source: Ranking of Military and Civilian Police Contributions to UN Operations, United Nations Peacekeeping Website, at <http://www.un.org/Depts/dpko/dpko/contributors/2005/January2005—2.pdf>

Appendix 4—Worldwide UN Peacekeeping Missions

Mission	Personnel
UNMIL (UN Mission in Liberia)	15,775
MONUC (UN Mission in the Democratic Republic of Congo)	13,950
MINUSTAH (UN Stabilization Mission in Haiti)	7,392
UNOCI (UN Operation in Cote D'Ivoire)	6,224
ONUB (UN Operation in Burundi)	5,460
UNAMSIL (UN Mission in Sierra Leone)	4,167
UNMIK (UN Interim Administration Mission in Kosovo)	3,546
UNMEE (UN Mission in Ethiopia and Eritrea)	3,364
UNIFIL (UN Interim Force in Lebanon)	1,994
UNDOF (UN Disengagement Observer Force)	1,023
UNFICYP (UN Peacekeeping Force in Cyprus)	959
UNMISET (UN Mission of Support for East Timor)	619
MINURSO (UN Mission for the Referendum in Western Sahara)	229
UNTSO (UN Truce Supervision Organization)	152
UNOMIG (UN Observer Mission in Georgia)	133

Appendix 4—Worldwide UN Peacekeeping Missions—Continued

Mission	Personnel
UNMOGIP (UN Observer Group in India and Pakistan)	44
UNAMA (UN Assistance Mission in Afghanistan)	19
Total	65,050

Source: UN Missions Summary of Military and Civilian Police, United Nations Peacekeeping Website, at <http://www.un.org/Depts/dpko/dpko/contributors/2005/January2005—4.pdf>

Mr. SMITH. Dr. Gardiner, thank you very much for your testimony and your patience for waiting these many hours to make your presentation.

I would make the point that this is the first in a series of hearings as well. It is not the end. It is the beginning.

Ms. Van Woudenberg?

STATEMENT OF MS. ANNEKE VAN WOUDENBERG, SENIOR RESEARCHER ON THE DEMOCRATIC REPUBLIC OF CONGO, HUMAN RIGHTS WATCH

Ms. VAN WOUDENBERG. Thank you very much, Mr. Chairman, for inviting Human Rights Watch to speak today. I am the last one so I will try and be as quick as possible.

I have lived in Congo for a number of years and I have certainly been in and out of Congo a lot over the past 6 years. I have literally spoken to hundreds of witnesses on a whole host of human rights abuses since my work in the Congo began. I lived in the capital Kinshasa when U.N. troops first arrived there and I very much remember the hope that people had, the flags waving in the streets, when peacekeepers first arrived.

There was this real desire by people to see that this would be an end to the atrocities and an end to the terrible abuses that are taking place.

In later years, I have also shared the frustrations with many Congolese people when the U.N. did not hold up its highest standards, when it didn't intervene on behalf of civilians who were being killed in the town of Bukavu in June, 2004 and in Ituri in May, 2003.

The U.N. was simply overwhelmed with the task before it. It lacked the mandate and, frankly, often lacked the troops to do what it needed to do.

So I have mixed feelings of both hope and of frustration. Clearly the latest difficulties of U.N. peacekeepers having been involved in sexually abusing women and girls adds to those frustrations.

I am not normally someone who necessarily sits and praises the U.N., but I think it is important today that we look at some of the good examples that have also come out of MONUC, because it is a mixed bag, as we have often seen.

I just want to name two. There are more in the written statement that I gave you. Number one is certainly that MONUC's human rights unit has been at the forefront of exposing and highlighting to the U.N. Security Council, to the U.S. Government and to others some of the horrific atrocities that have taken place in Congo. This has certainly helped shed a light on something that has been very important.

Secondly, in Bukavu in June 2004: Although on the one hand, U.N. troops didn't stop the fighting that took place there, they did intervene and save the lives of hundreds of people in different places around the town, whose lives they helped to save when they picked them up out of moments of difficulties.

The challenge that MONUC faces are immense and we have heard a lot of those today. It is going to be the first democratic elections that Congo is to hold. Certainly the first democratic elections in the last 40 years, hopefully this year. So the task before it is immense.

Let me just highlight some of the sexual abuse issues by the U.N. peacekeepers. Human Rights Watch and I myself personally have conducted investigations on this.

I have interviewed women and girls and I have spoken to some very young girls, some as young as 13, who were raped by U.N. soldiers. I have spoken to others who traded peanut butter for sex and yes, indeed that did happen, and I took the young girl's testimony who was involved, sadly, in that exploitation.

We have heard today lots about different ideas as to how to tackle that, many of which Human Rights Watch would agree with. What is most important, in our point of view, is that the U.N. now pushes for prosecution. Whether that is of civilians or whether that is of military personnel, we need to see the actions that Ms. Lute outlined today actually happening on the ground.

My written testimony talks, again a bit more, on some of the recommendations Human Rights Watch has put forward, so I won't dwell on those.

I would like to highlight an issue that has not really been talked about today, which I think is very important when we consider issues of sexual violence against Congolese women and girls.

While it is shocking that U.N. peacekeepers have been engaged in acts of sexual abuse, far more women and girls have suffered rape at the hands of armed group and armies operating in the Congo. The latest statistics say that more than 40,000 women and girls have been raped—40,000. This is the real tragedy in Congo, in my opinion. It is not the one that grabs the headlines. It is not the one that we are necessarily discussing today, but one I think we must keep in mind.

When I interviewed women and girls recently in Congo in November, one woman said something to me that I think is really important for us to remember here today and this is what she said: She said, "Yes, it is true that some girls have been raped by U.N. soldiers, but so many more have been brutally raped by other armed groups." And she then added to me and she pleaded with me, she said, "Please focus on this as this is what brings us a lot more pain and suffering."

I think we have to put into context what has happened with U.N. peacekeepers, but remember as well that far more women and girls suffer in Congo, because of the abuse being carried out by armed groups.

We need to do more to bring those people to justice as well. We should not just focus on bringing military from the U.N. who are committing these acts to justice, but also Congolese or military from other armies to justice as well.

The U.S. Government should be pushing much more on this front and we have not seen enough action on this. Recently in January, the Congolese Government appointed six warlords from Ituri to the rank of general in the Congolese army. These are individuals on which there is a long dossier of crimes against humanity, war crimes, including mass rape. So far, there is no attempt whatsoever to bring these individuals to justice and indeed, they are being rewarded.

I would also like to add that some of the representatives of the group, the FNI as we heard today, who may have killed the nine Bangladeshis in Ituri a few days ago, one of their representatives has been appointed as general.

Another group, another militia group called the UPC, who is responsible for kidnapping a Moroccan peacekeeper and killing a Kenyan peacekeeper, has also been promoted to the rank of general.

What does this say when we focus on just U.N. peacekeepers, when indeed there are some very egregious Congolese warlords who also ought to be put on trial?

In MONUC in general, I think we have all seen that the challenges are immense. I think there have been difficulties. As an individual who has worked on the issue of Congo for over 6 years, I have seen in the past how it has been very difficult for the U.N. to attempt to find troop-contributing countries to carry out this very difficult mandate. There are only 16,700 troops in a country the size of Western Europe. We have heard all these issues today.

Many international officials accept the need for more experienced peacekeepers in the DRC, but often we hear the claims that Europe or the United States cannot offer such forces, because it is committed elsewhere or because simply Congo is not a priority.

I am very grateful that you are having this hearing today, because I think we need to move beyond the rhetoric. We need to really move toward commitment and helping this country, at the heart of Africa, really move toward peace.

Some have claimed that providing more funds and resources to MONUC, at a time when a number of its troops stand accused of sexual abuse, is wrong. Human Rights Watch strongly disagrees with this.

We believe the U.N. needs to take urgent action to deal with those accused of sexual abuses, as we have discussed today, but it is very important that this issue does not overshadow the important role that MONUC is playing to help bring about peace and hopefully democratic elections in the next year in the DRC.

As we have seen, and as you will know better than I, in Iraq and Afghanistan the lead up to elections can be very violent and there are many side issues, which can weaken the resolve of the international community.

The U.S. Government and others must not allow this to happen to MONUC. It cannot be further weakened. We must do all we can to ensure that it is capable of doing the job for which it was created.

As with other post conflict zones in which the U.S. Government is active, the Congolese people deserve a right to vote in free elec-

tions. They deserve a right to live free of human rights abuses and most of all, they deserve a right to peace.

Thank you very much.

[The prepared statement of Ms. Van Woudenberg follows:]

PREPARED STATEMENT OF MS. ANNEKE VAN WOUDENBERG, SENIOR RESEARCHER ON
THE DEMOCRATIC REPUBLIC OF CONGO, HUMAN RIGHTS WATCH

I wish to thank Chairman Smith for inviting my organization, Human Rights Watch, to address the Africa Subcommittee today about the important question of U.N. peacekeeping forces in the Democratic Republic of Congo (DRC).

My name is Anneke Van Woudenberg. I am the senior researcher on the DRC at Human Rights Watch. I have worked on humanitarian and human rights issues in the Congo for nearly six years and it is an honor to be able to address you today.

I lived in the Congolese capital Kinshasa when the U.N. peacekeeping forces, MONUC, first arrived there in 2000. I remember the Congolese people lining the streets cheering and dancing as the first contingent of blue helmets drove down one of Kinshasa's main boulevards. I shared the hope of many Congolese people that the arrival of U.N. peacekeepers would bring peace and an end to the horrific atrocities that have characterized the war in the Congo, a war that has cost the lives of nearly four million people since 1998. In later years, I also shared the frustrations of the Congolese when the U.N. did not intervene to stop renewed conflict and more killing of civilians, as was the case in the eastern town of Bunia in May 2003 and in Bukavu in June 2004. The U.N. was simply overwhelmed with the task before it, lacking the mandate, the troops and sometimes the resolve to stop the horrors. To add to these frustrations have been the actions of some U.N. peacekeepers involved in sexually abusing women and girls in the DRC, a fact that is deeply saddening.

For many Congolese people, and for myself, these mixed feelings of both hope and frustration remain today. MONUC has shortcomings in how it has managed its operations in the DRC and these must be dealt with. But we must not forget the positive impact that the U.N. peacekeeping mission has had in the Congo. MONUC assisted in bringing justice to Ituri, one of the worst hit areas in eastern Congo, where U.N. forces helped to arrest and bring to trial some senior leaders of armed groups that terrorized the local population. Through its human rights unit, MONUC has exposed serious human rights crimes, bringing them to the attention of the U.N. Security Council and the DRC national government. In Bukavu in June 2004, when local groups started fighting in the streets, U.N. troops organized transport for hundreds of civilians at risk and brought them to places of safety, undoubtedly saving many lives. Most importantly perhaps, MONUC has helped to bring people together through Congo's first ever national radio station providing information, news and analysis to nearly every household in the DRC.

The challenges that MONUC faces in Congo are immense. The mission has been tasked with supporting a fragile peace process, often hovering on the brink of collapse, and with bringing about the first democratic elections in over forty years. Attempts to address MONUC's shortcoming and to bring about reform must ensure continued support for these important goals.

SEXUAL ABUSE BY U.N. PEACEKEEPERS

MONUC's credibility has been undermined by the exploitative and abusive behavior of some of its own staff. Investigations carried out by Human Rights Watch found that MONUC personnel have been involved in a pattern of sexual exploitation of Congolese women and girls. We interviewed girls, some as young as 13-years old, who had been raped by MONUC soldiers. We also spoke to girls aged between 12 and 15 who engaged in what is commonly called "survival sex"—sexual relations they entered into in order to get some food, money or protection. These relations are frequently exploitative and are particularly easy to establish in environments of conflict and massive displacement where women and girls have limited options. Allegations of sexual abuse are not unique to U.N. forces in the DRC. Human Rights Watch and other organizations have documented similar practices in Bosnia, Sierra Leone, Liberia and other countries. With a past record of such abuses, it is essential the U.N. tackles this problem across its peacekeeping missions. Concrete reform in this sector is long overdue.

Despite the past history of sexual abuse by peacekeepers, the U.N. response to allegations of sexual abuses by its staff in Congo was slow. The U.N. had earlier taken steps to establish a code of conduct prohibiting such actions and stressing there would be "zero-tolerance" for sexual abuse and exploitation. Despite these clear rules, not enough was done to stop the practice. Between September 2001 and

January 2004, only sixteen cases of alleged exploitation or abuse were investigated by MONUC's security branch. Some of those accused were rotated out at the end of their tour of duty with no further consequences. Further in-depth investigations were finally carried out in 2004 which concluded that sexual exploitation was a much wider problem.

In order to make zero-tolerance policies a reality, effective action needs to be taken by the U.N. and troop contributing countries against those found responsible for acts of sexual violence and exploitation, as well as their commanders or supervisors. The U.N. must push for prosecution of peacekeepers by their home countries. The recent cases of six Moroccans and a French peacekeeper being repatriated to their home countries where charges were brought against them is a positive sign that this is now starting to happen. More such cases are needed, along with a follow-up mechanism inside the U.N. that presses to ensure that justice is done. Staff will only realize that such behavior has consequences if the U.N. leadership shows resolve in dealing with the problem.

Further action also needs to be taken on the prevention side in the U.N. mission in the Congo and elsewhere to curb future abuse. This should include adequate resources for an independent investigation unit inside each peacekeeping mission to investigate sexual abuse allegations, more women in peacekeeping missions, a program of assistance for the victims of such abuse and for the children born from these sexual encounters. The U.S. government should push for such reforms inside the U.N. mission in the DRC, as well as in other peacekeeping missions.

SEXUAL ABUSE IN THE BROADER CONTEXT

While it is shocking that U.N. peacekeepers have been engaged in acts of sexual abuse, far more women and girls have suffered rape at the hands of armed groups and armies on all sides in the DRC. According to aid agencies figures, over forty thousand women and girls have been systematically raped, mutilated and enslaved during the conflict, abuses that continue today. This is the real tragedy of the Congo and one which rarely grabs the headlines. When I recently interviewed women about sexual abuse committed by U.N. peacekeepers, one woman said to me, "Yes it is true that some girls have been raped by U.N. soldiers, but so many more have been brutally raped by other armed groups. Please focus on stopping this as it brings us so much more pain and suffering."

While governments focus on bringing U.N. peacekeepers who commit acts of sexual violence to justice, they should be doing the same to bring the leaders of these armies and armed groups to trial. The U.S. government, working together with MONUC, should insist that the Congolese government hold accountable soldiers of the national army and other armed groups who have committed rape and other sexual violence, as well as their commanders who ordered or tolerated mass rape. In January the Congolese government appointed six warlords to the rank of general in their new army despite documented evidence that these individuals had committed war crimes and crimes against humanity, including rape. The U.S. government should publicly denounce such appointments and should insist these generals, and others like them, are investigated and brought to trial.

More development assistance should also be made available to rebuild the Congolese national justice system to tackle crimes of sexual violence and to set up programs to help the tens of thousands of victims who suffer the consequences of rape. The European Commission and other donors carried out an audit of Congo's justice system last year to determine the priority areas for support, but to date little follow-up action has been taken. The U.S. government did not participate in this effort and has been notably absent from any support to justice reforms.

We cannot focus solely on the minority of sexual crimes committed by U.N. peacekeepers when Congolese women cry out for help against armed groups who continue to terrorize them on a much larger scale. Armed groups committing mass rape carry out war crimes and I urge the U.S. government to do more to end such violence and to bring justice for these crimes.

IMPROVING MONUC

The U.N. peacekeeping mission in the Congo faces immense challenges. Well-armed warlords with little or no loyalty to the transitional government continue to fight in eastern Congo; neighboring countries, in particular Uganda and Rwanda, threaten Congo's peace and continue to arm groups loyal to them; and the illegal exploitation of natural resources continues to provide funding for those opposed to peace. As the Congolese enter a politically charged election year, failure to meet these challenges will increase the chances of a return to conflict that is likely to destabilize the Congo and the entire Central Africa region.

MONUC's role is vital to the Congolese peace process. It needs to be strengthened and supported by the US government and the international community in order for it to carry out its role. This help has not always been forthcoming. DRC, a country roughly the size of western Europe, has only 16,700 UN peacekeeping troops, far too few for the security challenges faced by the peace process and 5,000 less than requested by the U.N. Secretary General last year. Elsewhere far more troops have been deployed in countries with similar problems. In Liberia, a country roughly the size of one district in Congo, 15,000 UN troops have been allocated, and Burundi, DRC's tiny eastern neighbor, has been allocated 5,000 troops. It is clear that MONUC requires an increase to make troop numbers commensurate with the size of the DRC and the extent of security challenges it faces.

MONUC also requires more soldiers with advanced training and experience in peacekeeping. Many international officials accept the need for more experienced peacekeepers in the DRC, but they claim that Europe or America cannot offer such forces because of commitments elsewhere or because DRC is not a priority. If the Congolese peace process is to succeed it requires a real commitment from western governments that goes beyond rhetoric.

Some have claimed that providing more funds and resources to MONUC at a time when a number of its troops stand accused of sexual abuse is wrong. Human Rights Watch strongly disagrees. We believe the U.N. needs to take urgent action to deal with those accused of sexual abuses, but it is important that this issue does not overshadow the important role that MONUC must play in helping to bring about peace in the DRC through a process of democratic elections. As we have seen in Iraq and Afghanistan, the lead up to elections can be violent and there are many side issues which can weaken the resolve of the international community. The U.S. government and others must not allow MONUC to be further weakened and must take action to ensure it is capable of doing the job for which it was created. As with other post conflict zones in which the US government is active, the Congolese people deserve a right to vote in free elections, they deserve a right to live free of human rights abuses and they deserve a right to peace.

Thank you.

Mr. SMITH. Thank you very much for your testimony and for your work.

Just a couple of questions. The issue of the unit, I am glad you pointed out that Jane Rasmussen and her group has done a fine job. I have read their statements. Others on the Committee have done so as well.

One of the concerns that I and others have is the issue of retaliation, both from headquarters and also in theater. You know we had heard that there were threats made against investigators.

Whistleblowers usually are not treated with much deference by those on whom the whistle is being blown and I am concerned that the U.N. has a tragic history, years past right to the present, of mistreating its own whistleblowers. We had examples just a few years ago in one case of an American who spoke out against abuse that was going on, being summarily dismissed.

My question is: What kind of safeguards would you recommend to us as policymakers, as makers of at least U.S. law and to the Administration, as it speaks to from Kofi Annan on down to ensure that whistleblowers have sandblocks around them or sandbags around to protect them, rather than to be at risk and vulnerable themselves?

Ms. VAN WOUDEBERG. It is certainly true that there have been threats against some of the whistleblowers. There have also been threats against girls who have complained about this. This actually happens on a very frequent basis, when girls, especially ones that now have children of peacekeepers, turn up at the doors and say, "What are you now going to do to help me?"

There is literally, at the moment, nothing in place for this. I know Ms. Lute testified that hopefully this will be dealt with. As of now, this is not being dealt with. So I hope that will happen.

In terms of the safeguards around this, I think what is really important here is an independent investigation capability. I would like to highlight, actually, that some of these allegations first came out in 2001. We are today in the year 2005. I know there has been attention focused on this in the past 8 or 9 months, but it has taken a long time. The response has been very slow.

But without an independent investigation capability, what we saw happening was colleagues are talking about the behavior of fellow colleagues and this is very hard when civilians, who quite often do these investigations, are dependent upon the military for the protection the next time they go out and do a completely different investigation.

It is very hard for them to be able to openly speak about what is going on. So I think an independent capability is essential. That needs to be well staffed and it needs to be well funded.

Up until 3 or 4 months ago, in MONUC, there was one person looking at this. So I know that there are now commitments to do further work on this. There are commitments to have more people investigate this. That is terrific, but it is new. Allegations first in 2001 and up until a year ago, one person.

Mr. GARDINER. I would certainly second those remarks there. I think it is imperative that we do have a completely independent external investigation conducted into not only the Congo abuse scandal, but into allegations regarding other U.N. peacekeeping missions as well.

Mr. SMITH. Dr. Gardiner, you are talking about more of a Blue Ribbon, where I think Ms. Van Woudenberg is talking about an IG-type investigation. Or are you talking about the same thing?

Ms. VAN WOUDENBERG. I am actually talking about the need for a unit within MONUC or within any peacekeeping mission.

Mr. SMITH. Kind of like an IG?

Ms. VAN WOUDENBERG. Exactly. So each peacekeeping mission should have its own independent unit who investigates, which is actually based on the field.

Mr. SMITH. Dr. Gardiner, is that what you are talking about?

Mr. GARDINER. I would argue that there should be an independent watchdog made up of non-U.N. personnel, whose role it is to watch over U.N. operations on the ground.

Certainly this watchdog should be backed by Security Council resolution to give it real teeth, but unlike the Office of Internal Oversight Services, which is completely staffed by U.N. personnel and U.N. staff, this independent oversight body should be completely independent of the U.N. system so you have complete objectivity.

I think in the case of the Congo, if we did have an independent oversight watchdog, I think that reports of abuse would have made their way over here, to Congress for example, several years earlier than they did.

Mr. SMITH. Let me just ask you about the number of children and what has happened and how many and what has been their plight and their mothers. How many victims do you know of, if any,

have been retaliated against? It seems to me one way of chilling anybody coming forward is to have this not so veiled threat about what might happen to them.

We may be just looking at, as you said in your testimony, Dr. Gardiner, a tip of the iceberg, because so many victims are fearful of coming forward. Have any of those victims been retaliated against?

Ms. VAN WOUDENBERG. Some of them have been that I am aware of.

Mr. SMITH. Beatings or what?

Ms. VAN WOUDENBERG. Being sent away very strongly with a lot of shouting at them. You know if you are an average let us say 13-year-old girl, you certainly won't speak English. You probably don't even speak French and you are supposed to walk up to the big gates and say, "This man over here raped me."

You can imagine the kind of difficulties that poses. So quite often they go through interlocutors, women's groups, who work under great pressure to do this kind of thing and who should certainly be supported more to do so.

I think something that the U.S. Government also looks at is helping the women's groups who try to assist the victims, both of rape by peacekeepers or sexual abuse by peacekeepers, as well as by other groups in Congo.

The question on the number of children, this is very difficult and I certainly don't have a precise figure. I can give you a few indications.

In one town, the town of Kisingani, where Moroccan peacekeepers were based for over a year and a half, there are now, according to some officials, at least 100 babies who are of obviously mixed descent, part Congolese and part Moroccan.

In the town of Bunia, there are increasing numbers of children being born now. I believe there is now something like 20 or 30 of them, but I suspect there are more on the way. There has been very little assistance and no policy at all to deal with these children.

I spoke to one woman who said to me that after she had her child, she went to the peacekeeper who had fathered the child and who admitted paternity, actually. He sent her away with \$100, promised to send more and then of course he was rotated out. She doesn't know where he is, has never heard from him. And the commanding officers of his contingent now won't talk to her and have put up extra barbed wire around the fence so women like her don't come anymore.

Mr. SMITH. Let me just ask, you mentioned the 40,000 rape victims, which sounds maybe double the amount that were raped in the Balkans during that terrible conflict, where rape was used as an act of war.

You mentioned the six Congolese Government-appointed warlords who now have the rank of general. Has there been no response from the U.S. Government on that? What would you expect them to say? Condemn it?

Ms. VAN WOUDENBERG. Absolutely. I mean to be quite honest, we were shocked when these people were appointed. Six were appointed as generals. Another 32 were appointed as lieutenant colo-

nels, colonels and majors. Looking down that list, we have dossiers on a good half of them, if not more.

What we need the international community to do, what we need the U.S. Government to do is: Number one, publicly denounce this; number two, ask the Congolese Government to ensure that these individuals are not returned to the places where they reigned as warlords. At the moment they are sitting in a fancy five-star hotel in Kinshasa, which is very nice, and I think they are having a good time making a lot of phone calls and drinking beer. But they do have the possibility of returning back to where they came from, which would be hugely detrimental to the peace process.

And number three, what really needs to happen is these individuals need to be investigated and they need to be brought to trial and we need a commitment from the Congolese Government that they will do so. And the U.S. Government should be pushing for that.

These individuals have committed some of the worst crimes under international law, war crimes and crimes against humanity. Some of them may be wanted by the International Criminal Court. For these individuals to be appointed as generals to the army is just outrageous and more should be said by the U.S. Government, in my opinion.

Mr. SMITH. Let me just ask you whether or not the fact that this has gone on for a number of years, with very little redress, in any way has that enabled the other rapes and the other sexual exploitations that occurred, because there is a sense of impunity? If the U.N. can do it, why should a member of the militia even care what anyone thinks?

Ms. VAN WOUDENBERG. It is probably actually the inverse. I think it is because there is such a culture of mass rape in Congo and rape has been used as a weapon of war in the Congo. That is definitely the case.

I think this has created an incredible breakdown of culture and of family and of the society, and it is in part because of the effects that this has had on women and girls that they now quite often seek just small favors from U.N. peacekeepers, of which sex is one.

This climate of real crimes against women has I think enabled, to a certain extent, peacekeepers to take advantage of that, and that is of course what is particularly egregious. But we need to deal not just with the peacekeepers—we must also deal with the tens of thousands of other women who are crying out that there is justice for their crimes.

I think we need to balance both. We can't just focus on the U.N. We have also got to focus on holding these other armed group leaders accountable.

Mr. SMITH. One final question on the recruitment of peacekeepers. What would be your recommendations, in terms of vetting, as armies are constructed and you know peacekeepers are derived or pulled down from different countries?

Do you think there is a Code of Conduct in existence that is sufficient to ensure that the right people are selected for those jobs and that you don't get individuals who see this as an opportunity to exploit once they are in-country?

Ms. VAN WOUDENBERG. We certainly believe that two things need to happen. One is there needs to be a record kept of individuals who have done this in the past.

I think the story of the French civilian, who has now pleaded guilty to being involved in child pornography, his recent statements and those of his lawyer indicate that he has been doing this for 10 years. That he has done this in previous U.N. missions.

It is appalling that he was able to go to Congo and to continue to do this kind of action. So there certainly needs to be a list of these individuals.

I think it is obviously hard to vet every single soldier before they come to say, you know, have you got inklings of doing this kind of thing? That is very difficult to do.

I think what should be done is that the Code of Conduct needs to be very firmly enforced once peacekeepers arrive on the ground. At the moment, what happens is they see a video. They are distributed the U.N. Code of Conduct and they are sent off to their various areas to do their jobs.

I don't think it is strongly enough reinforced to them and because there is no deterrent, because there was so little investigation capability within the U.N., people knew that if they did it, they could get away with it. They weren't going to get caught and so that is what needs to happen.

Mr. SMITH. Dr. Gardiner?

Mr. GARDINER. Yes. If I could add to that, I think that we need something perhaps stronger than a mere list of names. I think we need to publicly name and shame countries that have a consistent record of peacekeeping abusers, we should also strongly consider excluding certain countries that do have a long history in this area, and we should not be afraid to exclude nations with an appalling peacekeeping record.

At the same time, it should be pointed out that the majority of leading contributing nations, with regard to personnel toward peacekeeping operations, are poorer countries with far less disciplined military personnel. And it is striking, in fact, that the European Union, for example—which does talk a great deal about increasing multilateral efforts and working more through the United Nations, including peacekeeping operations—contributes just 4,300 peacekeepers worldwide.

That is 6.7 percent of the total, which is a pretty poor record and I would urge more EU member states to contribute high quality peacekeepers for U.N. operations.

At the same time, it has to be said that the United States is preoccupied largely with fighting wars across the world and has a different responsibility, in the sense that the U.S. has a responsibility for waging the global war on terror, for maintaining the freedom of the free world. And I don't think it is realistic, frankly, to ask the United States to increase its own peacekeeping contribution.

However, it is realistic certainly for EU member states to put forward more high quality, well-trained peacekeepers for international peacekeeping operations.

Mr. SMITH. On the issue of vetting again, if I could, Megan's Law originated from, to a large extent, a sexual predator from my district in New Jersey. Megan Kanka was brutally killed when the

man living right next door had a history of pedophilia and other sexual crimes and yet the people living in proximity to his home had no idea.

Now there is a community right to know standard that is nationwide, most states have it and we have a Federal overlay of language. Other countries have also passed Megan Laws as well.

It seems to me that the barest minimum for anyone who is being deployed would be to know whether or not he has a sexual assault conviction, even an allegation, which I think ought to be sufficient to preclude him from being part of a peacekeeping mission, where vulnerable populations are in abundance.

Is that something that you think at a minimum should be included in this vetting process? Otherwise, you can train someone until the cows come home and try to sensitize them with tapes and lectures, but if something is going ajar and is wrong on the inside, they will recommit these crimes, as we have seen especially with sexual crimes committed against minors.

There is a pathology there that almost for sure will repeat itself, and the Megan's Law at least puts everyone on notice. It seems to me that should be a bar to U.N. peacekeeping activity.

Ms. VAN WOUDENBERG. Certainly we would agree with that, that anyone who has been found guilty of this in the past ought not to be sent on any mission, whether they are civilians or military.

Mr. SMITH. To the best of your knowledge, nothing like that exists now?

Ms. VAN WOUDENBERG. To the best of my knowledge, no. I would also add to that, I think, the need to start holding commanders responsible and we have talked lots about that today. But I still see very little of that actually happening on the ground in DRC. Initially when the U.N. first started its investigations, commanders were, to a certain extent, reluctant to cooperate. This is as recently as 4 or 5 months ago.

With the increased press attention to this and of course with the increased U.N. attention to this, I think things are changing. But in the past, that has clearly been a problem where commanders are not watching what their troops are doing and then often protect them when they find out that they have been doing something outside of hours that they should not have been.

So I think much firmer rules within peacekeeping contingents on ensuring that holding commanders are held accountable for these actions could make a huge difference in what troops are up to in places like DRC.

Mr. SMITH. Mr. Payne?

Mr. PAYNE. Thank you very much, both of you, for this very thorough presentation. I couldn't agree with you more that there has to be a way to have more accountability. I mean what happens is just outrageous.

However, when we look at the DRC and the manner in which it is attempting to have an election for the first time in 40 years, I guess, since Patrice Lumumba was elected in the early 1960s, this question of it is wrong to see some of these militia leaders becoming promoted up to general, but as you probably know, the settlement, the peace accord where the global and all-inclusive agreement, all of that began with bringing the fighting forces together

and we saw a horrible example of that in Sierra Leone. There was no way that the U.N. and the forces were going to totally defeat the RUF and they then made the RUF a political party, for example and this happened in other places.

Of course I do commend what happened in Sierra Leone, because they did take some of the leaders and the tribunal convicted Foday Sankoh, for example, who was standing trial and he died, but he would have been convicted and others at the Court in Sierra Leone. And I hope that they continue to go after those persons in Sierra Leone who gave the commands for children's hands to be chopped off and that kind of terrible thing.

However, when we get back to DRC, the Vice Presidents who are members of militia groups, and the whole question of how do you come up with an integrated army, is going to be one of the very sticky problems.

As a matter of fact, when they went into the Government, when there were four Vice Presidents, one of the biggest problems was how many of these military zones will there be and who will be in charge?

It is not impossible for the whole thing to fall apart again. I say that to say that I think that somehow we have got to bring this election on so we can have a legitimate government.

I am one who kind of fears that June is really not going to work. I mean, of course if you keep saying that, then they will never do it, but I think they do have a provision of two times postponing the election. But it is clear that it is going to be very difficult to have a fair and free election with the problems in the East. I mean there is no question about it.

Now we did it in Iraq, but you know a whole area did not even vote because of the conflict, and we should attempt to try to avoid that.

So I think it is going to be difficult, but I do think that we should, once the Government gets into power, if they could get the election off and then there could be a Government, that I think that they should then have some kind of hearings on abuses of Congolese who are there, if there are some Rwandans or Ugandans.

Zimbabwe is never mentioned, but you know Mr. Mugabe and his people had their hands in the pot, too. You know they just talk about how bad Uganda was. How bad Rwanda is and maybe they were, but how about what motivated Mr. Mugabe to go in, in the first place?

He didn't get involved in the first run, when Uganda and Rwanda and Angola all helped the Congo, but then all of a sudden he woke up and said, "You know I have got to save the Congo." Well, you have to look through why he was so motivated too and there are questions about that, but that is another day.

I guess my point is that in order for this country to finally try to get a Government, I think that the basic attention should be brought to trying to have an election, fair and free, with as many people involved in the process as possible.

Once a Government is set up, I believe that we should then move toward having a special court. For example, in Liberia with

Charles Taylor, one day he is going to have to come back to a special court. He cannot just stay in Nigeria.

However, it was very interesting. The United States said that we will not go into Liberia with American troops until Charles Taylor left Liberia. So Nigeria reluctantly took him in because he had to go somewhere. Nobody wanted him. Then we turned around and a month or 2 later, we had some Senator raising legislation to cut off aid to Nigeria, because Charles Taylor was there. Well, we said that he had to go before we would involve ourselves in the peace-keeping.

So a lot of these complications really, I think, have to be carefully worked out. And until we can get a stable Government on the ground, until we can get some real leadership, until we can get a civil society—because the Congo had good civil society, you know, the church, women's groups, they have been able to function for 40 years with no government, with Mobutu sitting up in France in his villas and people back down in the Congo just trying to make it.

So I agree with the things you said, but I do believe that we are going to have to do first things first. I do think that we have to get the U.N. to really screen the people more.

I think that until we do have United States, British, French and Belgium troops going into peacekeeping operations, we are going to end up with what we have and we are not going to have the best trained, and we are not going to have the best equipped, and we are not going to have the best motivated, because we are not going to have the best, because the NATO countries and the United States are the best. But if we are going to refuse to send any Europeans and Americans into Africa, then it is very difficult to complain about who goes, because if they don't go, things would even be worse.

How would it be if these people were not there, you see? So I don't have a solution, but we are definitely going to continue to press these issues.

I wish that everybody would really get behind Prime Minister Blair, and this time I think he is on a right track you know. I don't always think he is on the right track, but with his move for the G-8 to talk about poverty reduction, he wants to focus on Africa with debt reduction, you see all of these kinds of operations should go away.

How would they go away? Well, if we stop farm subsidies so that Africans can farm and actually give a crop that they can sell or cotton, because when they finish growing it, they can buy it cheaper, because of subsidies from Europe and the United States for the farms.

If 80 percent of Africans are farmers and if you are subsidizing them so they can't even sell their product, then this poverty is going to continue and you are going to have people that are going to have to be there to prop countries or they are going to fight over resources.

We should get behind Blair's move to have debt reduction and this new fund he wants to set up so that we can have aid to get trade moving, so that Congo doesn't have all of its things going out illegally. They can sell it and lift the quality of life for its own peo-

ple. Clean water and investment and development and the girl-child have an education and things of that nature.

I really commend you. You have done an excellent job in making your presentations, both of you and I just wanted to say that, and if you have any responses, fine with me.

Ms. VAN WOUDEMBERG. Yes. I would just like to respond to this question, which is often held up in Congo, peace versus justice and as you can imagine, Human Rights Watch and I definitely personally believe that the two go hand-in-hand. You have to have both coming together.

Certainly the Congolese Government at the moment is a mix of rebel groups and the former governments. So you know we have to question who has got blood on their hands within the Government.

However, this whole issue of the recent generals being appointed to the army is slightly separate. The individuals that they have appointed are not members of the transitional Government. They are not members of any of the groups who initially debated at Sun City and who signed the Sun City accords, which set up the current transitional Government. They are actually armed group leaders from, particularly, northeastern Congo, from Ituri, which has been the bloodiest corner of Congo.

I believe that perhaps the Government thought that by bringing them in as generals, the fighting would stop. It would appear, actually, that this has had completely the opposite effect and I spoke to someone there this morning who said everyone else who didn't get a position as general is now fighting because they hope they will also now get a position.

So this has been a very dangerous move by the Government and one that really ought to be denounced and should be denounced, because this will not shake the transitional Government in the sense that it is holding any of them accountable.

But I think it also shows that you cannot have peace, unless you have justice and people will use the barrel of a gun in order to attempt to get bigger positions in government, in order to get higher ranks, which is the case that we have seen here.

I would also just like to comment on the whole issue of Rwanda and Uganda, which I think a few different people have alluded to previously.

I think this is where the U.S. Government can have significant impact. The U.S. Government is a major donor to both Uganda and Rwanda. The second largest donor, in fact, to Rwanda and much more of that leverage ought to be used to ensure that Rwanda and Uganda both stop supporting and funding armed groups and warlords in eastern Congo.

This is still happening. The U.N. itself has clearly stated this is happening by an arms monitoring committee who recently published a report. Unless this stops, the chance for peace in Congo will be pretty limited.

I think this is a place where the U.S. Government can really use its influence and where it should be using its influence more.

I know Paul Kagame frequently says take away the ex-FAR Interahamwe excuse and you will see I am no longer there. Perhaps that is true. Perhaps it is not true. I think one needs to ask critical questions about why disarmament operations haven't

worked as well today as they could have. And the U.N. in the past has certainly said very openly that they have not had the cooperation from Rwanda that they should have had, and if that is the case, one needs to ask why.

There are additional reason, which I think go beyond the question of security, and natural resources are clearly one, although we must not simplify the situation as saying this is all about the fact that somebody wants a little bit of diamonds or cassiterite. But it is clearly part of the puzzle, and the problem about central Africa is that it is a puzzle and it is complicated and it needs a host of solutions.

But I think it is great that you have these kinds of hearings to discuss these issues and hopefully to push the U.S. Government to really take more action in relation to the DRC, because it certainly desperately needs it.

Mr. PAYNE. Thank you. You are absolutely right. It is extremely complicated and I have talked to both President Kagame and President Kabila and they both will give you a good story about it, the same way when I was speaking to Prime Minister Meles and President Isaias about Ethiopia-Eritrea.

However, I do think that there is a way to call to question. You know one of the Rwandans left before. They could have been in the Congo forever, if that was their initial goal. The initial goal was the genocide happened. They were in Goma.

Finally, when the Government of Congo attempted to put out the Mbanga and Malanga people, that is what gave Kabila the breakthrough and brought the Rwandans back. Two million of them came back. So you know they were being held there by these ex-FAR in Interahamwe.

These people are not choir boys. They are serious. They planned the genocide. I think that the answer should be that there should be a firm commitment on the part of the Government of the DRC.

They need these folks to be in their military. That is one of the problems, and I would be the first to condemn the Government of Rwanda, if indeed the Government of the DRC did all they could with the cooperation to get out the ex-FAR. That would give them no more excuse and like I said, they could have been there before.

They left the first time and came back, now stayed using the resources. That whole resource driven thing, if that was the number one, it might be an unintended consequence, but if that was the main motive, that could have happened any time, because of the proximity between the East and Rwanda and the capital, Kigali.

I think we do agree, though, that there has to be an end to this. There has to be some semblance of order, but the first thing that has to happen, I think, is that there has to be a government there and there has to be an agreement between Rwanda and Uganda and Congo, and I hope that this new tripartite will work. At least it is a step in the right direction. Thank you.

Mr. SMITH. I want to thank both of you for your insight and council. The Committee deeply appreciates it. We will probably have some additional questions we would like to submit to you, if you wouldn't mind getting back to us. They will be made a part of the record. Thanks again.

The hearing is adjourned.

[Whereupon, at 4:40 p.m., the Subcommittee meeting was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF DR. ZAC NSENGA, RWANDAN AMBASSADOR TO THE US,
SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A REP-
RESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

THE UNITED NATIONS ORGANIZATION IN DRC: A CASE FOR PEACE KEEPING REFORM.

Honorable Chairman of the Sub committee,
Honorable members of the sub committee,

The Great lakes region of Africa is facing unprecedented difficulties due to decades of conflicts, some dating back from the colonial administration, cold war era, post independent mis-rule, genocide and its consequences. The international community and the UN in particular, have tried to prevent, stop and manage these conflicts but the results have not been all that successful. This is why this hearing is timely, pertinent and appropriate. Indeed questions must be asked as to whether it is not a high time we needed reforms into the UN system in order to wisely respond to the current global challenges facing the peace keeping missions today, whether in DRC, Haiti or any other parts of the world.

What is the real problem in DRC and the Great lakes region?

Following the 1994 genocide in Rwanda, the former genocidal regime moved its machinery of government intact (including its army the EX-FAR and Interahamwe militias who had been responsible for the slaughter of about a million people) into the then Republic of Zaire. Its operations within that country and repetitive incursions into Rwanda for a period of over two years led consequently to wars involving almost all the 9 neighbors of today DRC.

The war finally came to an end when Lusaka negotiations involving all the belligerents signed an agreement in 1999 and later on, the Pretoria agreement was signed between Rwanda and Congo in 2002. The major pillars of these accords were:

1. Cessation of Hostilities
2. Inter Congolese dialogue
3. Withdrawal of Foreign troops
4. Disarmament of Negative forces and in particular the EX-FAR and Interahamwe militias (DDRR).

This agreement was comprehensive and was implemented in all the other 3 aspects except for the DDRR, which has not been accomplished until today and is still the major cause of instability in the region as recognized by all the participants of Tripartite agreement (DRC, Uganda, Rwanda), African Union and many analysts of the region.

Why has MONUC not been Successful?

The participants of Lusaka agreement had requested the UN to issue chapter 7 mandate to: disarm, demobilize, repatriate and reintegrate the negative forces. These had been identified as the biggest challenge to peace and stability in the Great lakes. On the contrary, the UN gave a different mandate and mission to MONUC to carry out other duties including *voluntary* repatriation of the Negative forces. No wonder therefore, that the problem still persists. I do believe that the problem has been the lack of the appropriate mandate to forcefully disarm the negative forces especially the EX.FAR/ Interahamwe/FDLR. I find it bizarre that MONUC would have selective chapter 7 mandate to other Groups in DRC but not on the negative forces that pose the greatest threat to regional peace and stability.

Unless MONUC is given appropriate mandate to forcefully disarm the negative forces, stability in the region is a nightmare.

Simply increasing the number of troops or increasing the budget without the appropriate mandate and right mission is not only wasteful and unrealistic but also defeats logic. There is need for a change of approach in dealing with the main threat to regional stability.

What needs to be done?

There have been several and complementary initiatives both within and outside Africa. Rwanda, DRC and Uganda signed a comprehensive tripartite agreement with the facilitation of the United States. The International community endorsed that mechanism. The three countries identified the main threats to peace and stability as the presence of negative forces especially the EX-FAR/Interahamwe/FDLR on DRC's territory as well as the lack of control by DRC on some parts of its territory. The three countries committed themselves to look for common solution to the threats identified. All the three agree that Voluntary repatriation of negative forces is no longer a realistic option. Thus they all agree that forceful disarmament; demobilization and repatriation are called for urgently. And all agree that one of the feasible options is the use of regional African force under chapter 8.

In January this year, the African Union's Peace and Security Council meeting in Libreville, unanimously resolved to contribute an African Force to help DRC forcefully disarm the EX-FAR/ Interahamwe/ FDLR. The UN and the international community should not miss that opportunity to solve this chronic regional instability. I believe that an AU force with the right mandate and mission can bring about stability to the region at half the current budget given to the MONUC mission.

There are several reasons why I believe so:

First and foremost there are many willing troop contributors to such a mission from Africa. Second, an AU force would be more conversant with the regional dynamics and terrain than an Uruguayan, Indian or Pakistan contingents. Third, it makes a lot of sense when an African force is solving an African problem and indeed, it is one way of empowering African Union through partnership with the UN and other members of International community. Fourth, both DRC and Rwanda (key countries affected) welcomed the outcome of Libreville meeting and this is fundamental to the success of the operation.

There are other useful initiatives taking place in the region and supported by the UN and the international community. An international Conference on the Great lakes in its second phase focuses on: Peace and security, Governance, economic development and humanitarian issues. An on going Inter Congolese dialogue and preparation for general elections both in DRC and Burundi are all positive trends. But, all these processes are a nightmare with the current configuration of negative forces in the region trying to undermine peace and stability.

In Conclusion, the major cause of regional instability in the region is widely known and recognized by all. However, the UN peacekeeping operation does not have the right mandate and mission to deal with the actual threat peace and stability in the region. Over 700 million US dollars are spent every year and about 17,000 troops deployed for a mission that falls short of dealing with the major cause of instability in the region—the negative forces. There can never be peace and stability in the region without disarming the EX-FAR/Interahamwe/ FDLR. And this would be impossible if the right mandate and mission is not given to any force deployed in DRC. Furthermore, there is urgent need to focus on the real cause of instability in the region rather than wishing it off. It is time for the UN to give the right mandate under chapter 7 to forcefully disarm the Negative forces and especially the EX-FAR/Interahamwe /FDLR many of whom committed genocide and continue to destabilize the region. More importantly UN needs to support the AU with the right mandate, financial and logistical resources to do the job effectively. The UN cannot pretend to keep peace in DRC and the region when there is no peace to keep.

LETTER SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

ALL PARTY PARLIAMENTARY GROUP ON THE GREAT LAKES REGION AND
GENOCIDE PREVENTION

House of Commons, London, February 25, 2005.

Hon. CHRIS SMITH, *Chairman,*
Subcommittee on Africa, Global Human Rights and International Operations,
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SMITH: The All Party Parliamentary Group on the Great Lakes Region comprises 148 MPs and Peers from the UK Parliament. Since 1998, its members have travelled on numerous occasions to Rwanda, Burundi and the DRC, and have released frequent reports—the most recent being a submission to the UN Security Council concerning the arms embargo on the DRC. Today the APPG is the leading forum in the UK Parliament for discussion and critical analysis of issues affecting the Great Lakes region.

Too little attention is focused on the Great Lakes region and I am delighted that the Subcommittee has decided to look into events in the DRC.

During our most recent visit to the DRC, I discussed the question of sexual abuse with Ambassador Swing and in light of this, and the APPG's interest in the region, I would like to make a few comments which I hope will be useful to the Subcommittee.

There are three main sub-questions regarding sexual abuse by UN personnel:

- Securing accountability for individuals who have suffered abuse: can a compensation scheme be established?;
- Sanctioning individuals who have committed abuse: how can the range and implementation of sanctions be improved?;
- Improving the institutional response, i.e. making sure that operational conduct is better in the future: the UN is good at setting up 'lessons learned units' but attention needs to be paid to supporting the UN in turning its recommendations into reality.

Specifically, I would like to highlight the following:

- MONUC plays a vital role in maintaining peace and stability in the DRC. It works in an immensely difficult environment and should be congratulated on all that it has accomplished to date. The APPG believes that a strong mandate and strong international support for MONUC in the run-up to elections in the DRC is a vital component in ensuring that the country does not slip back into civil war.
- The UN does not possess the same authority over UN troops as does a state over national troops. This affects the actions which the UN can take in cases of abuse. How should this issue be addressed? Does the UN make the most of the powers that it has? Should it be granted more powers?
- It is important to draw distinctions between abuses committed by civilian personnel and by military personnel. The former is most clearly an issue demanding a UN response. Key questions are: What options are open to the UN when investigating and disciplining civilian staff? What steps can be taken to ensure that staff found to have committed abuse are adequately punished and not simply rotated to a different posting? Should there be a more formalized approach to the waiving of UN staff immunity?
- In relation to military staff, a large degree of responsibility falls to the troop-contributing countries. How should the UN best respond to that fact that troops often arrive with little or no training in relation to appropriate sexual conduct and remain in country for only six months? Can troop-contributing countries be obliged to follow-up on allegations of misconduct—if so, how? How will pressure from the UN or from states affect countries' willingness to contribute troops to a UN mission? Does the fact that participation in a UN mission is a means for raising revenue for some states affect how they follow-up on allegations?

These issues represent a small selection of the possible questions which could be asked in relation to this important subject. Please contact either myself or the Policy Director of the APPG, Mark Pallis (pallism@parliament.uk), if you would like further information on any of the points made above. All of our reports are available online at www.appggreatlakes.org.

I wish the Subcommittee all the best for its investigation.

Yours sincerely

OONA KING MP, *Chair APPG Great Lakes Region,
MP for Bethnal Green & Bow.*

